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RECORDS
OF
MASSACHUSETTS.

VOL. III.

1644—1657.

RECORDS
OF
THE GOVERNOR AND COMPANY
OF THE
MASSACHUSETTS BAY
IN
NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE.

EDITED BY

NATHANIEL B. SHURTLEFF, M.D.,

MEMBER OF THE MASSACHUSETTS HISTORICAL SOCIETY, FELLOW OF THE AMERICAN
ACADEMY OF ARTS AND SCIENCES, AND MEMBER OF THE
AMERICAN ANTIQUARIAN SOCIETY.

VOL. III.

1644—1657.



BOSTON:
FROM THE PRESS OF WILLIAM WHITE,
PRINTER TO THE COMMONWEALTH.
1854.

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Commonwealth of Massachusetts.



SECRETARY'S OFFICE,

BOSTON, DECEMBER 1, 1854.

IN printing the first and second volumes of the Massachusetts Records, under a Resolve of the Legislature of 1853, Dr. NATHANIEL B. SHURTLEFF, of Boston, well known for his acquaintance with the Old Records of this Commonwealth, and for his great interest in their preservation, was appointed to take charge of the whole work. These volumes have been printed, and copies of them have been distributed according to the Resolve.

The ability and fidelity which marked the appearance of the first two volumes determined the undersigned to intrust the preparing and printing of the volumes specified in the following Resolve to the same able editor.

The confidence in which the editor is held by persons interested in historical and antiquarian pursuits gives ample assurance that the duty will be performed in a manner alike creditable to the undertaking and to the Commonwealth.

EPIHRAIM M. WRIGHT,

Secretary of the Commonwealth.

Resolved, That twelve hundred copies of the third, fourth, and fifth volumes of the General Court Records, with suitable Indices, be stereotyped and printed, under the supervision of the Secretary of the Commonwealth, who may appoint some competent person or persons to prepare said volumes for printing, and take charge of the same, and to complete the Indices of the General Court Records already commenced.

Approved by the Governor, February 17, 1854.

INTRODUCTORY REMARKS.

BY order of the Legislature of Massachusetts, the two oldest volumes of the Colony Records were printed in 1853. On the seventeenth of February, 1854, His Excellency EMORY WASHBURN, Governor of the Commonwealth, approved a Resolve authorizing the printing of the three succeeding volumes. These five volumes contain the records of an important era in the history of Massachusetts,—the duration of its political existence as a Colony,—when it was governed by magistrates elected by the people, who were considered sufficiently wise to make laws suitable for all contingencies, and sufficiently just and prudent to execute the laws by themselves made. This era embraces a period of about fifty-eight years, commencing with the earliest records of the Governor and Company that have been preserved, and ending at the time when the colonial government was superseded by the Council under the presidency of Joseph Dudley, Esq., in 1686.

A description of the first two volumes, together with a brief account of the plan which was pursued for preserving their valuable contents, and rendering them more accessible to the public, will be found in the Introductory Remarks printed at the commencement of Volume I.

The third volume of the Massachusetts Colony Records contains the proceedings of the House of Deputies, commencing with those of the General Court of Election held in May, 1644, and ending with those of the May Court in 1657. A part of the original volume is in the hand-

writing of Mr. Edward Rawson, and the remainder, comprising the larger portion, is in that of Mr. William Torrey, who were severally chosen clerks of the House of Deputies. Although it is evident that the popular branch of the Colonial Legislature continued a record of its proceedings until the time the Colony Charter was vacated, no copy of these valuable volumes can be found in the archives of the Commonwealth extending beyond the period embraced in these pages, nor are any positively known to exist any where else.

On one of the leaves preceding the records of this volume occurs the following entry:—

“for the orders of the House of Deputyes:—
se the first leaffe, Año 1644: 3 orders;
se page 12, Año 1645: two orders;
se pag 53, Año 1645: one order;
se pag 84 & 90, Año 1646: two orders;
se page 254, Año 1650: one order.”

The fourth volume of manuscript records, which, on account of its large size, is printed in two parts, and the fifth volume, are a continuation of the Colony Records, and immediately follow the second volume in chronological order, the third being entirely independent of them. The originals are in the handwriting of Secretary Rawson, and extend from the commencement of the May session in 1650 to the presidency of Dudley in 1686. At the close of the fifth manuscript volume are certain miscellaneous writings, which will be found at the end of the corresponding printed volume.

In printing the three volumes mentioned in the resolve of February, 1854, the same plan has been pursued that was adopted for the preceding two volumes. The spelling of the clerks has been invariably followed, and the contractions and peculiarities of chirography have been preserved in the copy by means of typographical symbols, in order that the printed volumes should be as nearly reproductions of the ancient volumes of manuscript as the art of printing would allow. Indeed, no pains have been spared to render the work acceptable, and to give to the printed volumes a pleasing appearance, and at the same time make them literal copies of the manuscript originals.

Of all the secretaries of the Massachusetts Colony, none surpassed Mr. Rawson in peculiarities of chirography, and in the use of similar forms for different letters. He had various ways of writing the letters *e* and *r*, and very often wrote them in so careless a manner that nothing but the context could possibly lead to the discovery of his intentions. In the use of the letters *n* and *u*, *c* and *t*, and *c* and *l*, he was equally faulty. Therefore, in some cases of proper names, the editor may have to rely upon the indulgence of those who use the printed volumes.

In a very few instances the peculiar style of writing used by Secretary Rawson — such as the condensation of two letters into one, and by an extra stroke of the pen the making of one letter assume the appearance of two — has not been followed; nevertheless, in proper names the editor has been very particular to follow the manuscript in these peculiarities. Several of the most common instances are — the use of an *m* for *nn*, as Pemiman for Penniman, Bemet for Bennet, and the use of *nn* for an *m*, as Parmniter for Parmiter, and sometimes the use of an *m* for an *n*, as Haimes for Haines.

In making up the records from minutes, the clerks were not always particular in arranging the daily proceedings in strict chronological order, and did not preserve the exact date of each transaction; nor did they attempt, except in a few instances, to distinguish the acts of one day from that of another. Therefore the marginal dates which have been supplied cannot be considered absolutely correct, but must be regarded only as approximations to accuracy, the editor endeavoring to give to each page as nearly as possible the latest well-ascertained date furnished by the volume, without resorting to external aid. It will be perceived that these dates are meant to apply only to legislative action, all minor dates connected with reports of committees, letters, and legal instruments being disregarded in the margins. Occasionally marginal dates occur in the original, which are easily distinguished from those that have been supplied.

In some instances court orders have been omitted to be recorded, and subsequent legislation has been necessary to remedy the delinquency. A remarkable case of this kind is to be found on the one hundred and sixteenth page of part first of the fourth volume, in the case of Governor Winthrop's youngest son.

In the third volume the proceedings for a long period are recorded out of place, and in the fifth is a similar mis-entry of two pages. These have been removed to their proper places in the printed copies. The figures in the margins that indicate the pages of the original records, and which are enclosed in brackets, make the arrangement of the manuscript sufficiently intelligible.

As in the first two volumes, so also in the three which succeed, the marginal entries are chiefly in the handwriting of Mr. Rawson, and are mostly contracted expressions and half-spelled words. The proper names in the margins are often spelled in a different manner from those in the text.

The names of those who took the freeman's oath at the General Courts of Election, and which generally appear in the margins of the manuscript volumes, have been collected together and printed with alphabetical indexes at the close of the volumes. The names of those who took the oath at other times and places, together with those which are included in the returns of commissioners, will be found printed in their proper places in the volumes.

The same degree of care has been bestowed, in collating the printed pages of the third, fourth, and fifth volumes with the original manuscripts, as was used in conducting through the press the preceding two volumes; for a full description of which the reader is referred to the editorial remarks printed in connection with the first volume. In the tedious duty of performing this part of the labor, the editor has been spared much by the careful manner in which the copies have been made by the several persons employed for that purpose.

It is believed that the indexes, which have been prepared with much labor, and which are very minute, will prove to be both accurate and convenient for use. No name, and no reference to any name or fact, has been purposely omitted, and as many cross references as were deemed advisable and desirable have been entered in their proper places. Proper names have in nearly every instance been entered in the index according to the mode of spelling in the original record.

Notwithstanding the temptation has been very great, and at times the necessity almost imperative, the editor has, in the execution of his duty, entirely refrained from making comments or annotations upon the

subjects recorded, and has only inserted in proper places such brief notes as were considered needful to inform the reader what portions of the manuscript records were written by different persons, and who the several writers were, which facts could not otherwise be learned from any examination of the printed copies.

The editor takes this occasion to express his acknowledgments to the Honorable EPHRAIM M. WRIGHT, Secretary of the Commonwealth, for the facilities which he has afforded in prosecuting the work of printing these volumes, and for the uniform kindness and interest which he has constantly exhibited throughout the whole undertaking.

N. B. S.

BOSTON, DECEMBER, 1854.

VOL. III.

b

MARKS AND CONTRACTIONS.

A Dash - (or straight line) over a letter indicates the omission of the letter following the one marked.

A Curved Line ~ indicates the omission of one or more letters next to the one marked.

A Superior Letter indicates the omission of contiguous letters, either preceding or following it.

A Caret ^ indicates an omission in the original record.

A Cross × indicates a lost or unintelligible word.

All doubtful words supplied by the editor are included between brackets, [].

Some redundancies in the original record are printed in *Italics*.

Some interlineations, that occur in the original record, are put between parallels, || ||.

Several characters have special significations, namely:—

@, — annum, anno.	ö, — mö, month.
ā, — an, am, — curiā, curiam.	þ, — par, por, — þt, part; þtion, portion.
ā, — mātrate, magistrate.	p, — per, — pson, person.
þ, — ber, — numþ, number; Robt, Robert.	p, — pro, — pporcion, proportion.
č, — ci, ti, — acčon, action.	p, — pre, — pſent, present.
čō, — tio, — jurisdicčōn, jurisdiction.	q, — qstion, question.
č, — cre, cer, — ačs, acres.	q̄, — esq̄, esquire.
đ, — dđ, delivered.	ř, — Apř, April.
ē, — Trēr, Treasurer.	š, — š, session; šd, said.
ē, — committē, committee.	š, — ser, — švants, servants.
g, — gñal, general.	ž, — ter, — neůt, neuter.
h, — chr, charter.	č, — capč, captain.
ī, — begīg, beginīg, beginning.	ū, — uer, — sečal, seueral.
ł, — łre, letter.	ū, — aboū, aboue, above.
m̄, — mm, mn, — coṃittee, committee.	ŷ, — ver, — sečal, several.
m̄, — recoṃdačōn, recommendation.	ŷ, — ŷn, when.
m̄, — mer, — forṃly, formerly.	y ^s , the; y ^m , them; y ⁿ , then; y ^r , their;
m̄, — month.	y ^s , this; y ^t , that.
n̄, — nn, — Peñ, Penn; año, anno.	z, — us, — vilibz, vilibus.
n̄, — Dñi, Domini.	ç, — es, et, — statuf, statutes.
n̄, — ner, — manñ, manner.	ç, &c̄, &c ^a , — et cætera.
ō, — on, — mentiō, mention.	viz ^s , — videlicet, namely.
	/ — full point.

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THE DEPUTIES' RECORDS.

1644—1657.

MASSACHUSETTS RECORDS.

THE RECORDS OF THE COLONY OF THE MASSACHUSETTS BAY IN NEW ENGLAND.

[The manuscript of the third volume of Records of the Massachusetts Colony commences here, in the handwriting of Mr. Edward Rawson, the Secretary. This volume, the largest portion of which was written by Mr. William Torrey, Clerk of the House of Deputies, contains the Records of the House of Deputies, commencing in 1644 and ending in 1657. The first six pages are not numbered in the original manuscript.]

Election, 29 3 M^o, 44.

*Att a Generall Courte of Elections held att Boston the 4th and 5th
Monnths, 1644.*

1644.

29 May.

[*1^a.]

The Acts & Determinacons of the Howse of Deputyes.

THE sefall names of those townes, wth theire Deputyes y^t were return'd
wth y^e warrants to serve att this Courte, viz^t :—

1. Salem : M^r Downeinge, M^r Hawtherne.
2. Charles-Towne : Majo^r Sedgwick, Lif^t Sprague.
3. Dorchester : M^r Glover, Lif^t Duncombe.
4. Boston : M^r Tinge, Tr., Cap^t Hawkins.
5. Roxbury : M^r Prichard, Wit^hm Parks.
6. Watertowne : M^r Mayhewc, Lif^t Mason.
7. Lynn : Cap^t Bridges, Ens^e Tomlins.
8. Cambridge : Cap^t Cooke, M^r Sparhawke.
9. Ipswitch : M^r Hubberd, Jos^e Meadcalfc.
10. Newbury : M^r Rawson.
11. Waymowth : M^r Tory, Lif^t Perkins.
12. Hingham : Bozon Allen, Jun^o Porter.
13. Concorde : Thomas Brooke.
14. Dedham : Francis Chickeringe.
15. Salisbury : M^r Du^mier, M^r Dudley.
16. Hamp^to : Lif^t Howard, Wit^h Eastowe.
17. Rowly : M^r Carleton, Math Boyse.
18. Brayntree : Ste^e Kingsley, Tho^s Mekins.
19. Sudbury : William Ward.

1644.

29 May.

20. Dover: Mr Wittm Hillten.
21. Strawberry-banke: Mr Stee Winthrop.
22. Gloster: Mr Steevens.
23. Oobourne: Liftē Johnson.
24. Wennam: Joseph Batchelo^r.

f

It is ordred by this howse, that henceforward these townes, (accordg to y^e entry,) as alsoe all other y^e townes y^t already are, or hereafter shalbee, erected wthin this jurisdiction, shall, (accordinge to theire antiquity,) take theire places of pcedencie both in y^e transactinge of y^e affayers of this howse, as alsoe in all other such occasions as may fall out wthin this colony respectinge such pcedency of place./

Elected by the freemen for this yeare ensuinge, 1644, 29^o: 3 M^o.

John Endecott, Esq^r, Gouverner.

John Winthrop, Esq^r, Dep^t Gou^rner.

Assistants, Thomas Dudley, Esq^r, Ser^{to} Majo^r Generall,

Rich: Bellingham, Esq^r,

Rich: Soltonstoll, Esq^r,

John Winthrop, Junio^r,

Increase Nowell, Secre^t,

Simon Broadstreete,

William Pinchon,

William Hibbins,

Thom^s Flintte,

Samuell Simons.

William Tinge chosen Treasurer.

39: 3 M^o.

[* 2^a.]

30 May.

*Mr William Hawtherne was chosen Speaker for this Courte by y^e howse.

f

Samuell Greene is appoynted & chosen an officer to attend y^e dore of y^e Howse of Deputies for this Courte, & is to haue 2^s p day, wth diett & lodginge./

f

It is ordred, that henceforward noe member of this howse, (vppon any ptence of buisnesse wth any man,) shall absent himselfe from y^e occasions thereof wthout leaue first graunted him from y^e howse./

Repeald.

It is ordred, that henceforward noe member of this howse shall sitt or stand wth his hatt on whiles y^e Speaker is ppoundinge any vote./

Repeld.

It is ordred, that noe messenger of this howse, (wh^{ch} shall att any time bee sent wth y^e affaires thereof to y^e Howse of Mag^{ts} shall receaue from them

any other buisnes then what concernes & hath reference to y^e message hec went vppon/

1644.

30 May.

f

It ^{is} ordred y^t noe member of this howse shalbee call'd to y^e barr but by y^e majo^r vote thereof, & becinge first convicted of his offence/

Ensigne Tomlins is ordred & appoynted by both howses of this Courte to goe vppon a message to y^e Naragansett sachems about their tre, & is dismist this howse for y^e p^sent to p^pare himselfe for y^e jorney/

It is ordred, that M^r Trasurer Tinge, Liftennant Duncome, & M^r May-hewe are chosen a comittee to consider of the tre y^t came frō y^e two sachems (Cañonicus & Pesecus) of y^e Naragansetts, & to returne their thoughts & conclusions to this howse/

That whereas y^e towne of Gloster legaly made choyce of M^r Steevens (a freeman thereof) for their deputie to attend the buisnes of this Courte, & y^t yet notwthstandinge, (vppon some private d^rences falleinge out betweene y^e church & him in y^e intrime,) y^e ffreemen of y^e said towne made choyce of M^r Bruin in y^e roome of y^e said M^r Steevens It is therefore ordred that y^e said M^r Bruin bee sent home agayne, & y^t y^e towne of Gloster is desired to send y^e said M^r Steevens, first chosen; declareinge it wthall to bee y^e minde of this howse y^t y^e ffreemen of y^e said towne, or any one or more of them (in y^e bee-halfe of y^e rest), may take their libtye to make their complaynts agaynst y^e said M^r Steevens; & if it shall appeare y^t such their alegaçōns shall render him vnfit for y^e service of this Courte, y^t then this howse shall acc^o it their dutie to deale wth him as an offending member thereof/

It is ordred, y^t Majo^r Sedgwicke, Capt: Cooke, Capta: Bridges, Cap^t Hawkins, & Liftennant Pkins are chosen a comittee to consider w^t power is to bee giuen to y^e Majo^r Gefiall, & to drawe vpp his comission accordingly, & p^sent it to this howse to bee further considred of/

It is ordred, that M^r Downeinge, M^r Glover, & M^r Rawson are chosen a comittee to consider of y^e one halfe of y^e petiçōns p^sented to this Courte, & to make returne of their thaughts & conclusions of them indorsed vppon y^e said petiçōns/

* The petiçōn of Robert Parke is graunted by y^e whole Courte, and hath libtye to p^pceed in marriage wth Alice Tompson wthout furth^r publishē/

[*3*.]

It is ordred, that M^r Speaker, M^r Downeinge, & Liftennant Duncome are chosen a comittee to consider of y^e votes of y^e howse, & to drawe them into a forme of order, y^t exact entry bee made of them/

1644.

31 May.

f

Comptrolers.

1 June.

f

3 M^e: 3I.

It is ordred, y^t noe member of this howse shall speake twice to one case att one time, beefore eūy one (y^t will) haue spoken to y^e buisnes in hand, & after some pawse, to see if any other will speake, & it is att y^e libtie of any to speake agayne wth leaue from y^e howse./

It is ordred, that Capta: Cooke & M^r Tory are chosen comptrolers of y^e howse for this Courte, & p^ticulery to see to y^e exact keepinge of y^e f^regoeinge order./

1^o: 4 M^e.

It is ordred, that M^r Speaker, Capta: Cooke, M^r Glouer, M^r Sparhawke, & M^r Rawson are chosen a comittee to examine y^e French buisnes, & to state y^e case, to drawe y^e bills, to lay y^e charge, to p^rduce y^e testimonye, & p^rsent it to y^e howse./

It is ordred, that M^r Dummer, Withm Parkes, Edw: Carleton, Math Boyse, Bozon Allen, & Liftent Mason are chosen a comittee to consider of the other halfe of y^e peti^tions, & to returne their thoughts thereof to y^e howse./

4^o: 4 M^e.

4 June.

It is voted & ordred, to bee att y^e libtye of each member of this howse (vppon y^e choyce of comittees for y^e ripneinge of buisnesses) to nominate whome they please for y^e said comittes, & after such libtie imp^rved, the speaker (for y^e time beeing) shall put to vote, in order, all such as are soe nominated, & y^t nomb^r of p^rsons as shalbee agreed vppon, (to bee of y^e comittee,) y^t shall haue most voyces, shalbee accompted as men chosen by y^e howse./

It is ordred, that M^r Dummer, M^r Sparhawke, M^r Tory, Joseph Meade-calle, & Liftent^o Johnson are chosen a comittee for to consider of y^e bill p^resented to y^e howse concerneinge mens p^rprieties, & to returne their thoughts of y^e p^rticulers therein exp^rst./

Vote of both howses.

That whereas M^r Sewall hath an execu^tion graunted him (out vppon y^e goods & chattles of M^r Foxcroft, of London, mar^{cte}) by an order of Courte, & y^t there is not an estate visible (of y^e said M^r Foxcrofts) to satisfie y^e said execu^tion, it is therefore ordred, y^t M^r Dauid Yale (agent to y^e said M^r Foxcroft) shall wthin sixe dayes ensueinge deli^r into this Courte a true inventory of w^t estate hee hath in his hands, or knowes to bee in y^e hands of any other, (of y^e sd Foxcrofts,) in case y^e said M^r Yale refuse to giue M^r Sewall satisfia^tion and content accordinge to lawe./

It is ordred, that M^r Speaker, M^r Treasurer, M^r Mayhewe, M^r Prichard, Liftent^o Duncombe, M^r Hubberd, & M^r Steeven Winthrop are chosen

a committee to consider of & examin y^e bill about juditiall pceedings sent from y^e mag^{ts}./ 1644.

* Liftenth Perkins, vppon his request, & as y^e minde of y^e towne, is att his libtie to depte y^e howse for this sessions of y^e Courte./

4 June.
[* 4th.]

It is ordred, that y^e next sixt day in y^e afternoone bee sett apte for y^e sefall comittees of y^e howse to consider of & ripen the sefall buisnesses thereof comitted to them./

It is ordred, y^t the hundred pounds forwily graunted toward the mayntenance of Castle Iland, & ye fortificacōns there shalbee pd soe soone as they y^t vndertake y^e worke shall haue a comāunder & garrison there, & to be pd fiftie pounds efly sixe monnths, if they shall finish y^e worke & continue a garrison there accordg to a form order./

By both howses.

5: 4 M^o.

Mr Steevens, beeinge legally made choyce of by y^e ffree men of y^e towne of Gloster as their deputy for y^e service of this howse, is admitted a memb^r thereof, notwithstanding any priuate drences fallen out (since his ellection) betweene y^e church & him./

5 June.

It is ordred, that M^r Winthrop, o^r Dep^t Goūner, shall haue allowed him one hundred pounds for his last yeares service as Goūner./

By both howses.

It is ordred, that Boston shall haue libty to cutt & carry from any of y^e comōn lands of Nantaskett one hundred & fiftie tonns of timber, to bee ymployed vpon y^e ffortificacōns att Castle Iland./

It is ordred, y^t y^e Courte of Elections for y^e yeare next ensueinge shall bee att Salem./

Mags^{ts} cont. dicent.

It is ordred, that all y^e countrys stocke (except greate artillery) shalbee divided into y^e three sheires, (Norfolke to bee layd to Essex,) accordinge to y^e last country rate, (ye Castle beeinge first pvided for,) & y^e small artillery to bee kept in one place of each sheire, allwayes ready fixt, and y^t some men of each sheire bee deputed to see to y^e pformance of y^e order, & to giue security for y^e stocke, & to bee accomptable for it as y^e Courte shall require./

Mags^{ts} cont. dicent.

6: 4 M^o.

It is ordred, that George Norton, as their ser^{te}, shall exercise the trayne band att Gloster. (By both howses./)

6 June.
Agreed.

It is ordred, (att y^e request of y^e freemen of Gloster,) that Thomas Smith (in y^e roome of M^r Steevens) is appoynted one of the three men of y^e towne to end small controūsies./

Agreed.

It is ordred, that all inhabitants wthin this jurisdiçōn, aswell seamen

Agreed.

1644.

6 June.
Agreed.

as others, are to haue compleate armes in their howses, (accordt to order) all-
wayes ready fixt for service./

It is ordred, vppon y^e request of Jn^o Gore, that his ser^{te}, Thomas
Reeves, hath his libty & freedome graunted him, haueing binn faithfull to his
m in his place./

[*5^a.]

By both
howses.

*It is ordred, that Marble-head shall make choyce of one amongst them,
whoe shall exercise y^e rest of y^e inhabitants thereof in marshall discipline, y^t
soe they may not bee to seeke when spetiall occasions call for their assistance./

By both
howses.

It is ordred, that M^r Wheelwright, vppon y^e acknowledgm^{te} of his
evill cariages, & y^e Courts justice vppon for them, hath his banishm^{te} taken
offe, & is reced in agayne as a memb^r of this colony./

7: 4 M^c, 44.

7 June.

It is ordred, that Liften^{te} Sprauge, Francis Chickeringe, Steephen
Kingsly, Tho: Mekins, Withm Hillton, Joseph Batchelo^r, M^r Steevens,
Withm Ward, Liften^{te} Howard, Withm Eastowe, Tho^r Brooke, Liften^{te} John-
son, & Joseph Meadcalfe, are chosen a comitte to examine y^e booke deliued
in by M^r Bellingham, & compare it wth y^e booke of records, & retorne their
objections & thoughts thereof to this howse in wrighteinge./

By both
howses.

It is ordred, that it shall & may bee lawfull for y^e deputies of this
howse to aduise & consult wth their elders & ffreemen, whoe are desired
to take it into serious consideraçon, whether God doe not require of all y^e
inhabitants of this colony, that they alowe as to their mag^{ts}, soe to all other
y^t are calld to country service, a pporçonable allowance & mayntenance an-
swerable to their sefall places & ymploym^{ts}, anually or otherwise, & vppon
w^t grounds, & they are further desired to send in their thoughts & de-
terminaçoens in wrighteinge at y^e next Gefall Courte./

Voted: The howse is adjourned (after this night) till y^e next second day
att one of y^e clocke./

10th: 4 M^c.

10 June.

It is ordred, y^t noe Indian shall come att any towne or howse of y^e
English (wthout leaue) vppon y^e Lords day, except to attend y^e publike meete-
ings; neither shall they come att any English howso vppon any other day in
y^e weeke, but first shall knocke att y^e dore, & after leaue giuen, to come in,
(& not otherwise;) and if any (hereafter) offend contrary to this order, y^e con-
stable, vppon notice giuen him, shall bringe him or them Indians, soe offend-
inge, to a magistrate to bee punisht accordg to his offence./

Whereas it is y^e earnest desire of this Courte, that these natives
(amongst whome wee liue, & whoc haue submitted themselues to this gofⁱⁿte)

should come to y^e good knowledge of God, & bee brought on to subiect to y^e scepter of y^e Lord Jesvs, it is therefore ordred, that all such of y^e Indians as haue subjected themselues to o^r gou^{rn}te bee henceforward enioyned (& y^t they fayle not) to meete att such seāll places of appoyntm^{te} as shalbee most convenient on y^e Lords day, where they may attend such instru^{cti}ōn as shalbee giuen them by those whose harts God shall stirr vpp to y^t worke; and it is hereby further declared (as y^e desire of this Courte) y^t those townes that lye most conuenient to such places of meetinge of y^e Indians would make choyce of some of theire brethren (whome God hath best qualified for y^t worke) to goe to them, (beeinge soe mett,) & instruct them, (by y^e best interpreter they can gett,) y^t if possible God may haue y^e glory of y^e confūsiō (at least) of some of them in y^e vse of such meanes God giues vs to afoard th[em]/

1644.

10 June.

*It is ordred, that Lynn Village shalbee calld Reddinge, as y^e desire of y^e ffreemen thereof/

[*6^a.]

Thom^s Dyer hath libty to keepe an ordinary att Weymouth, & to drawe & sell wine./

By both

howses.

By both

houses.

It is ordred, that Captā Hawkins, M^r Glover, M^r Mayhewe, Ensigne Tomlins, & M^r Steevens are chosen a comittee for y^e draweing vpp of an order about shipp carpenters, (respectinge theire ingadgm^{ts} to those y^t imploy them./

Captā Hawkins (vppon his request) hath libty from this howse to attend his owne vrgent occasions till y^e next fiffe day att night./

II^o: 4 M^r.

It is ordred, that o^r p^{re}sent Gou^{er}ner shall haue twentie pounds speedily paid him, in p^{re}te of y^t some y^e country shall alowe him for this his yeares service ensueinge./

11 June.

By both

howses.

It is ordred, that M^r Speaker, Captā Cooke, & M^r Dummer are chosen a comittee to consider of & to drawe vpp an order to p^{re}vent the members of this howse from disclosinge any of y^e priuate buisnesses thereof abroad, as alsoe to drawe vpp an order for y^e p^{re}ventinge of falce rumo^{rs} w^{ch} are to frequently spread w^{ch}in this jurisdi^{cti}ōn./

It is voted, that Thomas Mekins, (one of y^e dep^s of y^e towne of Brayntree), att y^e request of y^e towne, is dismist this Courte./

It is ordred, that o^r last comissioⁿers for y^e Vnited Collonys doe make returne of their comission to this Courte./

It is ordred, in answe^re to y^e peti^{ti}ōn of X^pofer Hussie, & 18 others of y^e inhabitants of Hampton, that M^r Bellingham, M^r Soltonstoll, & M^r Broadstreete are a comittee chosen to examine & to judge of y^e d^{re}nces betweene

1644.

11 June.

y^e inhabitants of Hampton. The same answer is likewise giuen to two other petiçōns from y^e inhabitants of y^e same towne, vppon y^e same drences./

It is ordred, in ans^r to Lifteth Howards petiçōn, that his charges alowed him, to bee pd him by y^e towne of Hampton, bee forborne vntill y^e foregoeing comitte of mag^{ts} doe end y^e drences betweene y^e inhabitants of the said towne./

The petiçōn of Edw: Gardn is answered by declareinge it to bee y^e minde of this Courte, that hee ought (by vertue of his place) to take such fines as are alowed by y^e Courte for y^e neglect of y^e order y^t enioynes townes to pvide for y^e makeinge of saltpecter./

It is ordred, (in ans^r to the petiçōn of M^r Tho: Venn,) that there shalbee as much land graunted to y^e said petiçōn as may answer y^e so^me of money w^{ch} hath (by his father) bin putt into the countrys stocke, or accordinge to y^e pporçōn of others, and y^t when y^e so^me of money is made knowne to this Courte, wth power from his father to demaund & receaue y^e same./

[*7^a.]

*It is ordred, (in ans^r to y^e petiçōn of y^e towne of Exeter,) that Sam^l Greenefeild is denyed to drawe wine vntill y^e Courte haue a more full & satisfactory informaçōn of him; as alsoe y^t it is not thought meete y^t Rich: Bullgar should bee there listen^e vntill further informaçōn bee giuen to this Courte of y^e said Bullgar, in y^e meane time hee to exercise the trayne band as there ser^{te}./

It is ordred, (in ans^r to y^e petiçōn of p^{te} of y^e inhabitants of Newbery,) that noe village or towne shalbee erected wthin the bounds of y^e said towne vntill such time as y^e petiçōn^s bee ans^{red} by way of comiission or otherwise./

It is ordred, (in answer to y^e petiçōn of Joseph Armitage,) that M^r Ottley shall pay him y^e vmpidge graunted him by M^r Downeinge & M^r Hawthorne, whoe were men chosen to end drences betweene them./

It is ordred, (in answer to y^e petiçōn of Withm Bridge,) that this Courte thinks not meete to graunte land to any vppon such consideraçōns therein expst, but advise such to looke after newe plantaçōns./

It is ordred, (in answer to y^e petiçōn of Adam Ottley,) that (forasmuch as this Courte conceaues y^e said petiçōner will not bee advantaged by graunte of his petiçōn concerneinge his desire of a reveiwe of y^e drences betweene him & Joseph Armitage) it is thought meete y^t hee should stand to y^e vmpidge of M^r Downeinge & M^r Hawtherne./

It is ordred, (in answer to y^e petiçōn of Edw: Michellson concerneinge y^e fortie pounds hee owes y^e country,) that whatsoe^u hee (y^e said petiçōn^r) can make to appeare vppon good acc^t, (w^{ch} hath not bin formerly accompted for,)

hee shall haue y^e some or somes abated of y^e said fortie pounds, & y^t the said
petiçoner pay in the rest accordinge to his engadgm^{te}./

1644.

11 Junc.

It is ordred, (in answere to y^e petiçôn of Josuah Hewes, as agent to M^r
Josuah Foote,) that M^r Heues (as agent to M^r Foote) may attach M^r Fox-
crofts estate in y^e hands of his agents, M^r Treasurer Tinnges & M^r Daud
Yale, & pceed to judgm^{te}; and vpon execuçôn graunted him, (if M^r Fox-
crofts said agents shall not accordingly make full sattisfaçôn,) that then they
shall declare to y^e Courte, vpon oath, w^t estate they haue in theire hands of
y^e said M^r Foxcrofts, when the attachm^{te} was served./

**Att a Gennerall Courte of Elecçôn, y^e 14th 3 M^o, 1645, begunne,
& held, & continued at Boston, y^e 3^d, 4th, & 5 Moths.*

1645.

14 May.

[*1.]

Elected by y^e ffreemen for y^e yeere ensewinge : —

Thomas Dudley, Esq^r, Gou^rno^r,

John Winthrop, Esq^r, Dep^t Gou^rno^r,

Assistants, John Endecott, Esq^r, S^rg^{nt} Major Gennerall,

Herbert Pellam, Esq^r,

Richard Bellingham, Esq^r,

Rich Saltonstall, Esq^r,

John Winthrop, Jun^r, Gent.,

Simon Bradstreete, Gent.,

Increase Nowell, Gent., Sec^t.,

W^m Pinchon, Gent.,

Thomas Flynte, Gent.,

W^m Hibbings, Gent.,

M^r Sam : Simonds, Gent.,

Richard Russell, Treasu^{er}.

The dep^{ts} sent by each toun wthin this collony to attend y^e buisnes of this
Courte are : —

Salem : M^r Hawthorne & M^r Hen: Ba^rtholmew.

Charlesto^w : Lef^t Sp^raunge & Tho: Lyne.

Do^rchest^r : Lef^t Duncomb & Lef^t Atheⁿton.

Bos^ton : Major Gibbons & Cap^t Keayne.

Roxbury : Jo: Johnson & W^m Parks.

Wa^re^rto^w : Cap^t Jenison & Lef^t Mason.

Lynne : Cap^t Bridges.

Cambridge : Cap^t Cooke & M^r Shepheard.

Ipswich : M^r Hubbard & Josep^h Medcalfe.

1645.

14 May.

Newbery: M^r Dummer & M^r Rawson.
 Weymouth: Lef^t Tory.
 Hingham: M^r Allen & Josh: Hubbard.
 Concord: Lef^t Willard.
 Dedham: John Heyward.
 Salisbury, M^r Winsley.
 Hampton: Cap^t Wiggin & Lef^t Howard.
 Rowley: M^r Carleton, Math Boyce.
 Braintree: Sam: Basse & Peete Bracket.
 Sudbury: Edmond Goodenowe.
 Douer: William Heath.
 Strawberry Bancke.
 Gloucester: M^r Prichard.
 Woobourne: Lef^t Johnson.
 Wennham: M^r Sparowhauke.

M^r W^m Hawthorne, one of y^e Howse of Deput^s, was by them }
 chosen their Speaker for this session. } Speaker.

[*2.]

By both
howses.
By both
howses.

IT is ordered, y^t y^e Major Genne^rall for y^e time being shall haue like
 comission vnder y^e seale of the collony y^e former Majo^r Genfill had.

Itt is ordered, y^t Maj^{or} Edward Gibbons shall take order to send two shal-
 lopps furnished wth men, to goe, according to y^e Courts appointment, fo^r y^e
 discofey of what y^e shipp y^t lyeth hoſing about these coasts is, & whence, &c.;
 the chardges to be defrayed out of y^e custome of wyne.

Voted.

M^r Carleton, Mathew Boyce, W^m Parkes, Joseph Medcalfe, & Lef^t Ath-
 erton are chosen a comittee to consider of y^e seſſall petiçions deliuered to
 them by this howse, & to retourne their thoughts & concluçons thereabout^s
 indorsed on y^e back side of each petiçion.

By both
howses.

Itt is ordered, y^t y^e Major Generall, Cap^t Cooke, & M^r Shepard drawe
 vp a comission fo^r M^r Allen in reference to y^e message he is designed to by y^e
 Courte, conc^{rn} y^e shipp on y^e coast.

Voted.

M^r Bartholmew, John Johnson, Lef^t Sprauge, M^r Winsley, & M^r Hub-
 bard are chosen a comittee to conside^r of y^e best wayes & meanes to destroy
 y^e wolves w^{ch} are such ravenous cruell creatures, & daily vexatious to all y^e
 inhabitant^s of y^e collony, & to p^{re}sent their thoughts & concluçons therea-
 bouts to this howse.

Voted.

Itt is desired, y^t o^r honno^{red} magis^{ts} would be pleased to make choyce of
 some of themselves to joyne wth Cap^t Cooke, Cap^t Wyggins, and Lef^t John-
 son, who are chosen by y^e depu^{ts} to be a comittee to consider of such cases
 as may admitte of appeales, y^t thereby p^{re}viçion may be made for y^e releife of y^e
 subiect in such cases as may flall out of this nature.

An oath to be administred to y^e su^rvayo^r of leather.

1645.

Whereas yow are chosen an officer for y^e su^rvaying & sealing of leather within y^e towne where yow now dwell, for y^e space of a yeere, & vntill new be chosen & sworne in yo^r roome, yow now sweare by y^e e^livinge God, y^t yow will carefully & dewly attend y^e execution of yo^r said office wth all faithfullnes for y^e good of y^e co^monweale, according to y^e true intente of y^e o^rde^rs in such case provided. So helpe yow God.

14 May.

By both howses.

Itt is ordered, y^t M^r Speaker, Major Gibbons, M^r Dummer, Lef^t Duncomb, & M^r Sparrowhawke shall joyne wth o^r honno^red Dep^ty Gou^rn^r, M^r Bradstreete, & M^r Hibblings as a co^mitte^e to consider of some way whereby y^e negative vote may be tempered, y^t justice may have free passage, & y^t y^e retourne of y^e co^mitte^e be p^rsented to y^e consideration of y^e Courte.

By both howses.

An oath for y^e Asistants.

*Whereas yow are chosen to y^e place of Assistants ouer y^e ju^risdi^cti^on for this yeere, & till new be chosen & sworne, yow doe heare sweare, by y^e livinge God, y^t yow will trewly indevo^r according to yo^r best skill, to carry & demeane yo^rself in yo^r place for y^e said time according to y^e lawes of God & of this land, for y^e advancement of y^e gospell & the good of y^e people of this planta^coⁿ. Yow shall dispence justice equally & impartially, according to yo^r best skill, in all cases wherein yow shall act, by virtue of yo^r place; yow shall not wittingly & willingly exceede y^e limita^coⁿs of yo^r place; & all this to be vnderstood during yo^r aboade in y^e ju^risdi^cti^on.

[*3.]

By both howses.

Rob^t Turne^r is graunted his peti^coⁿ, viz^z: to have sixteene pounds therein men^coⁿed, p^rvided y^t it be not formerly disposed of to any other.

By both howses.

M^r Shepheard, Cap^t Bridges, Liff^t Willard, M^r Rawson, & M^r Prichard are chosen a co^mitte^e to drawe certaine bills for possitive lawes, as agⁿt lying, Saboath breaking, swearing, drunkenesse, &c., & p^rsent wth y^ey shall doe therein to this howse.

Voted.

In ans^r to a peti^coⁿ of M^r Rob^t Harding, itt was ordered, y^t he should be allowed twenty shillings for his journey to y^e Na^ragansetts.

By both howses.

Pomhom & Sacoronoco complayning to vs y^t many Indians dwelling twenty miles beyond them (being freinds & helpers to y^e Narragansetts in their p^rsent warres wth Vncus) are come vpon their land, & have planted vpon the same agⁿt their wills, they not being able of themselves to remoove them, & therefore desire o^r counsell & helpe: wee therefore advise them to send a messenger to y^e sachem of those intruders, to come to vs, and give an accompt

By both howses.

1645.

14 May.

By both
howses.

of such his intruſion. If he reſuſe to come, then wee would have our meſſenger charge them to deſp'te from Pomhams land, w^{ch} alſo if they reſuſe, then wee ſhall accompt them as enemyes.

By both
howses.

Itt is ordered, y^t Cap^t Perkins, Leſ^t Tory, & John Whitman doe end ſmale cawſes for y^e toune of Weimouth, & they have authoriye from this Courte ſo to doe, according to order.

By both
howses.

M^r Samuell Dudley, M^r Winslye, & Ro^{bt} Pike are appointed to end ſmale cawſes for y^e toune of Salisbury for y^e yeere enſewing, & have authority from this Courte ſo to doe, according to order.

[*4.]

By both
howses.

Edward Burcham is appointed clarke of y^e writts for y^e toune of Lynne/
*Whereas it is conceived that y^e trayning vp of youth to y^e arte & practice of armes willbe of great vſe to this countrye in diuers reſpects, & amongst y^e reſt, y^t y^e vſe of bowes & arrowes may be of good concernement, in defect of powder upon any occaſion, itt is therefore ordered, y^t all youth wthin this juriſdic^{tion}, from tenne yeeres old to y^e age of 16 yeeres, ſhall be instructed by ſome one of y^e officers of y^e band, or ſome other experienced ſouldier whom y^e cheife officer ſhall appointe, vpon the vſuall trayning dayes, in y^e exerciſe of armes, as ſmale gunnes, halfe pikes, bowes & arrowes, according to y^e diſcretion of y^e ſaid officer or ſouldier, provided y^t no child ſhall be taken to this exerciſe ag^{nt} their parents minds. This order to be in force wthin on: month after y^e publica^{tion}.

By both
howses.

Sa^g^{nt} Major Gen^l Endecot, M^r Bradstreet, & M^r Flynt, M^r Hawthorne, Cap^t Cooke, & Cap^t Jenniſon are appointed a com^{it}tee ſo to examine y^e Hingham buiſnes as to applye y^e ſeuerrall depoſi^{tion}s to y^e ſeuerrall cawſes heard, & accordingly to ſtate y^e caſe, & to take any further depoſi^{tion}s y^t ſhall be tenderd in this caſe of M^r Allen, or any of y^e peti^{tion}ers of Hingham, y^t ſo there may be a more orderly pceding to an iſſue.

By both
howses.

James Penne hath liſenſe graunted him to drawe wyne, ſo long as he keepes entertainment for y^e Courte in Boſton, either at y^e howſe where y^e Courte now ſitts, or where they ſhall ſitt hereafter.

Vesseils to
have free ac-
ceſs.
Voted.

Itt is ordered, by y^e authoriye of this Courte, y^t all ſhipps from any of y^e portes of our native countrye, or elſewhere, coming peaceably, ſhall have free acceſſe into our har^{bo}rs, & p^{er}tec^{tion} heare, if they pay y^e deuty & charges required by lawe in the countrye, as others doe.

By both
howses.

M^r Noyce, Walte^r Haymes, & W^m Ward are appointed to end ſmale cawſes for y^e toune of Sudbury for y^e yeere enſewing, according to order.

By both
howses.

Itt is ordered, y^t M^r Bradstreete & M^r Hawthorne ſhall have allowed to them out of y^e next countrye rate w^t y^e have not rec^d of y^e 12^t 11^a 9^d expended vpon their jo^{yn}ey to Coⁿect^{icut}, viz^t.: by M^r Bradstreet 6^t 8^o 0^d, &

by M^r Hawthorne, 6^t 3^e 9^d; M^r Bradstreete having rec^d 3^t, & M^r Hawthorne 2^t 14^e of y^e said sommes.

1645.

The petiçioners about y^e cargo of y^e shipp Rainbowe being come to an agreement amongst themselves, & having given security to be responsall, as y^e Courte shall order vpon the tryall, for what shallbe delivered to them, y^t so y^e wyne may not suffer damage, their petiçon was graunted.

14 May.
Ship Rainbow.
By both
howses.

*Att y^e moçon of John Johnson, gennerall s^rveyo^r of y^e armes, his howse being lately burnt, some papers w^{ch} he was betruſted wth, of concernement to y^e countrie, very hardly escaped, itt was ordered, y^t a receipt he had vnder y^e hands of M^r Stephen Winthrop should be trewly copped out & recorded by the clarke of this house; w^{ch} is

[*5.]

J. Johnson
house burnt.

Receaved of M^r John Johnson, s^rveyo^r, one bond of Cap^t Israell Stoughton, by w^{ch} he is indebted 248^t; also, receaved a bill of exchange of M^r Edward Ting, of sixty three pounds, eight s., & nyne pence.

Boston, Deceñ 9, 1644.

STEPH: WINTHROPP.

Itt is ordered y^t y^e Gennerall Courte shallbe adiourned till y^e 3^d day of y^e weeke at noone, being y^e 10th day of y^e 4th month, 1645.

By both
howses.

Whereas comiſſion was graunted, by order of this Courte, to Herbert Pellam, Esq^r, M^r Thomas Flynt, Left Willard, & Peeter Noyce, in nature of a comiſſion of sewers for y^e better securing & impving of y^e ground vpon y^e riuer ruñing by Concord & Sudbury, itt is now declared, y^t y^e intent of y^e Courte was, y^t if all y^e said comiſſioners should not meete vpon any occaçon, yett any three of them might pceede according to y^e said comiſſion.

Concord &
Sudbury.
By both
howses.

This Courte being sencible of y^e many publicke imployments y^t y^e magiſts are called to, w^{ch} dayly encreaseth, & w^{ch} necessarily occaçons much expence of their time, to y^e pⁱudice of their families & estates, knowing y^e straitnes of things in y^e countrie, & y^e just care y^t this Courte ought to take, to see y^t none be vnequally burthened, or discouradged from doing service to y^e countrie in such places as they may be called to, doe therefore hereby order, y^t such as are chosen this yeere to y^e place of an Asistant, & so those y^t shall hereafter be chosen, shall have five hundred pounds estate allowed to each of them, rate free, both from tounne & countrie levyes, for y^e space of three yeeres. Provided y^t in case any such Asistant shall be left out at y^e day of elecçon, or otherwise, wthin y^e said terme of three yeeres, y^t then such Asistant (so left out) shall not claime y^e benefitt of this order for so long time as he is dischargd of being a Asistant; and y^t there may be an æquall, just, & impartiall hand carryed towards each tounne in y^e bearing of y^e Asistant^s said allow-

By both
howses.
Asistants al-
lowance.

1645.

14 May.

ance, itt is ffarther ordered, that all such toune & countrye rates as shallbe æqually & pporcionably layd vpon y^e estate of any Asistant, to y^e vallew of 500^l, as aforesaid, shallbe paid out of y^e treasury, by virtue of a tickett, to be sent by y^e constable of y^e said toune, vnto y^e treasurer, signed & subscribed by such said Asistant or Asistants whom it may concerne, according to y^e true intent & candid meaning of this order.

[*6.]

By both howses.

R. Saltonstall claim to land in Watertown.

*In answ^r to M^r Ro^{bt} Saltonstall his petiçōn concerninge his title to land in Water Toune is, y^t y^e Courte conceaves y^t y^e order in y^e petiçōn mençōned (w^{ch} is by y^e petiçōn desired to be explainned) doth sufficiently explane itself, viz^g: y^t S^r Richard Saltonstall shall have a true title to y^e land in y^e toune of Water Toune, w^{ch} he shall pve to have binn mowed by him or his agent 4 yeeres together, & no other.

Clerks of Company's.

Lef^t Johnson, Lef^t Duncombe, & Cap^t Keayne are chosen a cōmītee to search y^e Courte booke for all such orders as concerne y^e clarkes office of y^e millitary companyes or trayned bands, to bring them into a modell, & to p^sent it to y^e howse; also to rectifye y^e clarkes oath wth relaçōn thereto, & a bill for y^e choise of s^rg^{nt} majors.

By both howses.

S. M. General Endicott compensated.

It is ordered, y^t o^r now honnored s^rg^{nt} majo^r generall, John Endecott, Esq^r, for his service y^e last yeere, in y^e place of a Gou^{rn}, shallbe allowed out of y^e treasury 100^l, he giving security to repay w^t he formerly rec^d y^e last yeere of y^e last Treasurer, wthin two yeere from this date.

Indian trade, count on.

M^r Speaker, Lef^t Duncombe, & John Johnson are chosen a cōmītee to joyne wth some of y^e magis^{ts} to consider of such obiections as will necessarily arise ag^{nt} y^e last Cou^s order about y^e Indian trade.

Comth on burning grounds.

Lef^t Mason, W^m Heath, & W^m Parkes are chosen a cōmītee to consider of y^e order for y^e burning of grounds, & w^t is to be rectified in it, & to p^sent their thoughts about it to y^e howse.

Arms to be accounted for.

By both howses.

It is ordered, y^t all such as received any cōppyes of notes deliuered in by y^e generall s^rveyo^r, of w^t armes their tounes stands chardged wth, should send in y^e same, or trew cōppyes thereof, to y^e said s^rveyo^r, at Richard Fairebanks howse, in Boston, wthin a fortnight after y^e sitting of y^e Courte.

Castle, propositions respecting.

Majo^r Gibbons, Lef^t Atherton, & Cap^t Jennison are apointed & chosen a cōmītee to joyne wth a cōmītee of o^r honno^red magis^{ts}, to consider of y^e seuerall pposiçōns retourned by o^r honno^red magis^{ts} in ans^r to certaine pposiçōns of y^e cap^t Castle, also of y^e cōmission of y^e cap^t of y^e Castle, w^t in it is to be rectified, & y^t y^e consider of y^e store of armes & amūnition should be sent to supply y^e garrison at y^e Castle, & to p^sent their thoughts of each of these to both howses.

[*7.]

The^s White, petition of.

*In answ^r to a petiçōn of Thomas White, ittis graunted he should have full

state & possession of y^t bargain made betweene himself & y^e wyddowe Swift, of Sandwich, &c., except such as it may concerne, vpon notice, shall come in at y^e next session of this Courte, & shew cawse to y^e contrary. Itts further thought fitt y^t if Thomas White should not enioy y^e land, yett necessary chardges as he shall expend vpon it should be allowed him vpon his accompt.

1645.

14 May.
By both
howses.

In ans^w to M^r Batchilers peti^cōn, y^e Howse of Dep^t conceave it not meete to allowe him any thing, but leave him at his libertye to seeke his remedy at any of y^e Courts of Salem or Ipswich.

Answer to M^r
Batchilder.

Cap^t Wiggyn, M^r Shepheard, & M^r Carelton are appointed a comⁱtee to consider of y^e peti^cōns y^t are brought in y^e session, & p^rsent their thoughts thereabouts to y^e howse.

Comⁱtee on pe-
titions.

In ans^w to John Russe his peti^cōn for 14^s, for fferrage for y^e magis^{ts} & depu^{ts} to Dover & Boston, itts graunted y^t y^e Treasurer shall pay it to y^e said John Russe, & call for y^e one halfe thereof againe from y^e inhabitants of Douer.

Deputies.
By both
howses.

In ans^w to y^e peti^cōn of y^e company at Nashaway, y^e towne of Sudbury is graunted twenty pounds towards their finishing of their bridge, & way at y^e end of it, to be paid when they shall have made y^e way passable for loaden horse, p^rvided it be donne wthin a twelvemonth from this time, 15 June, 1645.

Sudbury,
grant to.

15 June.

M^r Shepheard, John Johnson, & Cap^t Wiggyn are chosen a comⁱtee to consider of y^e lawe for y^e disposing of inmates, & setling impotent aged psons, or vagrants, & either to rectifye it where it is defective, or drawe vp & p^rferr a bill y^t may ans^w y^e expecta^cōn of each towne, & y^e whole countrye, y^t efly towne may knowe w^t may be their oune burdens, & p^rvent multiplying of peti^cōns to y^e Cou^rte hereabouts, & p^rsent their thoughts herein to this howse.

Comⁱtee on im-
potent persons,
or vagrants.

Left Willard & Edmond Goodenow are dismiss from y^e occa^cōns of y^e howse till second day next at noone.

Deputies ex-
cused.

The Courte appearing & sitting about y^e time to w^{ch} it was adio^rned.

10th July.
Court meet.

Itt is ordered, y^t y^e comⁱtee for y^e Vnited Collonyes shall be mixtly chosen, one magis^{ts} & one freeman.

M^r Allen & Joshua Hubbard are dismissed from y^e occa^cōns of y^e howse till y^e second day att night.

*Itt is ordered, y^t y^e s^rveyo^r generall shall enquire after y^e retourne of y^e bill chardged on M^r Stoughton for 248^t, and also after a bill chardged on M^r Edward Ting of 63^t 8^s 9^d, and if there be any p^rtests of them or either of them, to make retou^rne of w^t he hath grounds for in this respect.

[*8.]

M^r Stoughton
and Ting to
make report.

Majo^r Gibbons & Cap^t Jennison are chosen a comⁱtee to confer wth our honno^red magis^{ts} about M^r Mortons peti^cōn, & to vnderstand y^e reason why he came not to his tryall y^e last Q^r Courte.

Mortons tryal.

1645.

16 June, 1645.

16 June.

By both
howses.
Courts provid-
er to be com-
pensated.

This Courte, considering y^e many difficultyes y^t such meete wth y^t makes p^{vi}idⁿ for this Courte, att his mo^on who now makes p^{vi}idⁿ for y^e same for such p^{po}rdⁿable pay to be made him out of y^e next country rate as may enable him comfortably to goe thorough y^t w^{ch} he is called vnto, & may be expected from him, doe order y^t w^{soe}ur chardge for diet shall be expended for y^e time to come for y^e p^{se}nt sessions of this Courte, it shall be satisfied by y^e seuerall townes according to their æqual p^{po}rdⁿs in catle, wheate, malte, & barly wthin 3 months from y^e date hereof.

Sam^l Bass ex-
cused.

Sam: Basse is dismiss from y^e occa^sions of this howse till y^e 3 day next at 8 in y^e morning.

Quest^r about
M^r De la Tour
postponed.

In ans^w to o^r honno^d magis^{ts} bill of quæries about M^r De La Tour, the deput^s conceave y^t but few of y^e elders meete at Cambridge this weeke, besides M^r Allen not being yett retourned, o^r mayne buisnes being y^e making of lawes & many other buisnesses now in transacⁿ in Courte, they judge it not convenient to take this buisnes into consideraⁿ at p^{se}nt.

Y^e Court dis-
mist till 2d day
at 1 of y^e clock
in y^e aft^{no}one.
Dispute on the
power of com-
manders of ves-
sels.

The Howse of Deput^s, vpon much serious debate, dissent from our honno^d magis^{ts} in y^e bill sent fr^o them for y^e giving, or w^{ch} seemes to give them, or any of them, power to licence any com^{and}s of any vessells to make a fight in o^r harbo^rs, & therefore desire a conference wth them for a more speedy issue herein.

The Howse of Deput^s cannot concur wth o^r honno^d magis^{ts} in their bill to punish excommunicate p^{so}ns.

[*9.]

By both
howses.

Jn^e Johnson to
account for
money rece^d.

*Whereas y^e so^{me} of ffifty pounds was by this Courte given to John Johnson, generall s^rveyo^r, wth reference to y^e service he hath donne for y^e countrye seuerall yeeres past, & fo^rasmuch as some p^{te} of those monyes w^{ch} was assigned to him, (y^e Treasu^{er} hath receaved,) itt is therefore ordered, y^t y^e said John Johns^o shall gather vp all those monyes fo^rmerly assigned him, (w^{ch} y^e Treasu^{er} hath not rec^d or disposed of,) & w^t it shall fall shorte of y^e 40^l he shall receave of y^e Treasu^{er}, provided y^t he give in a just accompt y^e next Court of whome & how much he hath receaved of those moneyes fo^rmerly assigned him.

Certain modes
of procedure
recommended
for the Court to
adopt respect-
ing the artille-
ry.

In o^r conference wth o^r honno^d magis^{ts}, itt is agreed by y^e Howse of Deput^s y^t y^e Speaker should moove y^t so^{me} such course may be taken, & order made, as y^t y^e great artillery, by virtue of power therefrom, as just occa^sion shall p^{se}nt, be made vse of for o^r defence; 2^{ly}, to mo^on either a retournce of our bills, or such course as may p^{re}vent mistakes thereabouts; 3^{ly}, y^t noth- ing be mooved by any member of this howse y^t is not men^oed in y^e recorde

of or conference; & if any shall so doe, y^t or Speaker shall make knoune to y^e whole Cou^rte y^e determinacōn of y^e howse in y^s respect.

1645.

Itt is heereby declared to all m^rs & owne^rs of shipp^s y^t shall voluntarily come wth shipp^s to trade wth vs from any p^ts abroad, y^t it is y^e minde of this Cou^rte, & it is hereby ordered, y^t no shipp^s, being wthin or harbor, shall be suffered to fight wth any other shipp or vessell during the time of their aboade there, nor shall be molested by vs, except shee give just ground of offence, & leave graunted by y^e state, or by such as y^e state shall give comission vnto in y^t p^ticuler.

16 June
Regulation of
armed vessels.
By both
houses.

The Howse of Deput^s cannot concurre wth or honno^red mag^{ts} in passing y^e bill for y^e country being credito^r where is not sufficient to pay such credito^rs as shall first sue, & by suite reco^u on y^e debto^r.

Deputies &
magistrates
differ in opin-
ion on suits.

The order for allowing 3 q^{rs} of wyne or 1 bushell of Indian co^rne to any Indian for y^e killing of wolves is hereby repealed.

By both
houses.

Cap^t Cooke & Cap^t Jennison are chosen a comittee to conferr wth some of or honno^red mag^{ts} about y^e letter sent from M^r Haynes concerning Vncas & y^e Narragansett.

Wolves, law for
killing, re-
pealed.
Committee on
letters from M^r
Haynes.

*Whereas great losse & damage doth befall this comonwealth by reason of wolves, w^{ch} doe destroy so great number^s of or catle, no^t wthstanding p^rvision hath formerly benne made by this Courte for suppressing of them, and wee find litle hath bin donne y^t way for y^e better incouraging of any to sett about a worke of so great concernement, itt is therefore ordered, y^t any p^{er}son, either English or Indian, y^t shall kill any wolfe or wolves wthin tenne miles of any plantacōn in this jurisdicōn, shall have for eu^{er}y wolfe by him or them so killed, tenne shillings, to be paid out of the treasury of y^e country, p^rvided y^t dew prooffe be made thereof vnto y^e plantacōn next adioyning where such wolfe or wolves were killed, & also y^t they bring a certificate vnder some mag^{ts} hand, or y^e counstable of y^t place vnto y^e Treasu^rer; p^rvided also y^t this order doth only intend such plantacōns as doe contribute to publick charge; & for such plantacōns vpon y^e riuer of Piscataq y^t doe not joyne wth vs to carry on publicke chardge, they are to make payment vpon their owne chardge.

[*10.]

Wolves, en-
couragement
to destroy
them.
By both
houses.

And y^e lawe for allowance of one bush: of Indian corne or 3 q^{rs} of wyne to any Indian for killing of any wolfe, is hee^rby repealed.

Seuerall inhabitants of y^e toune of Hingham, to the nnumber of 81, peti^tioning this Court for a redresse of seuerall evils w^{ch} in their peti^tion they complained of, as of their libertyes being infringed, &c, amongst them, Joshua Hubbard, John Faulsham, & John Tour laying a chardge on y^e Deput^s Go^vino^r ffor illegall imp^risoning of some of them, & forcing the first wth othe^rs

Hingham com-
plaint.
Courts proceed-
ing.

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16 June.

to give in bond wth suertyes to appeare & answer at y^e next Quarter Courte what should be layd ag^{nt} him & them : the peti^{con} was read, & their request graunted that the whole cause should be heard & tried. The p^{ty}es above named laid their chardge above men^{con}ed on y^e day of tryall on John Winthrop, Esq^r., Deputy Go^{vr}no^r, who gave his answer, whereon the Courte p^{ceeded}ed to judgmen^t.

Business with
the French ad-
justed.

That there might not any guilt lye hidden in y^e seuerall carriages of the French buisnes by sea or land w^{ch} the country might become liable to ans^wr for to God, this Court hath ordered & doth appointe y^e honno^{red} Go^{vr}n^r & Left Atherton, M^r Pellam & Cap^t Cooke, M^r Saltonstall & M^r Hawthorne, as com^{mission}ers, & com^{mission} is graunted them wth pow^{er} to su^{mon} wittnesses in their se^uall shieres, & a^pte to examine them, sea^rching ou^t the truthh of the case as they shall see cawse, making their rep^e to the next session of y^e Genn^l Courte.

Magistrates
opinion on
Hingham re-
quested.

The Howse of Dep^{ts}, being at a stand for p^{sent}, & not having deter-
mined any thing vpon y^e Hingham case, doe desire o^r honno^{red} magis^{ts}
y^t y^{ey} would send vs their thoughts & votes vpon y^e whole case, y^t so wee
may come to a more sped^y issue thereof.

[*11.]

Lying, or
spreading false
reports, pun-
ishable.
By both
howses.

*Whereas truth in words aswell as in acc^{cons} is required of all men, es-
pecially of Christians, who are y^e p^fessed servants of y^e God of truth, &
whereas all lyeing is contrary to truth, & some sorte of lyes are not only sin-
full, (as all lyes are,) but also p^{nitious} to y^e com^{mon}weale & iniurious to p^{ticu}-
lar p^{sons}, itt is therefore ordered, y^t e^ury p^{son} of y^e age of discretion, w^{ch} is
accompted 14 yeeres, who shall wittingly & willingly make or publish any lye
w^{ch} may be p^{nitious} to y^e publiq^{weale}, or tends to y^e dam^{age} or iniury of
any p^{ticu}lar p^{son}, or wth intent to deceave or abuse y^e people by false
newes or repor^{ts}, & y^e same dewly p^{yed} in any Cou^{rte} or before any one
magis^{te}, who hath hereby power graunted to heare & determine all offences
ag^{ast} this lawe, such p^{sons} shall be punished after this manner : For y^e first
offence tenne shillings ; or if y^e p^{tye} be vn^{able} to pay y^e same, then to sitt so
long in y^e stockes as y^e said Cou^{rte} or magis^{te} shall appointe, not exceeding
two howers ; — ffor y^e second offence, (whereof any shallbe legally convicted,) y^e
some of twenty shillings ; or if y^e p^{ty} be vn^{able} to pay, then to be whipped
vpon y^e naked body not exceeding tenne stripes ; — for y^e third offence, fforty
shillings ; or if y^e p^{tye} be vn^{able} to pay y^e same, then to be whipped wth
more stripes, not exceeding ffiftene ; — & yett if any shall offend in y^e like
kinde, & be legally convicted thereof, he or shee shallbe fined tenne shillings a
time more then forme^{rly} ; or if y^e p^{ty} so offending be vn^{able} to pay, then to
be whipped wth 5 or 6 stripes more then forme^{rly}, not exceeding forty at any

time; y^e aforesaid fines to be levyed or stripes inflicted either by y^e ma^rshall of y^t jurisdic^{ti}on or constable of y^e towne where y^e offence is committed, according as y^e Cou^rte or magis^{tr}e y^t have iudged y^e cawse shall direct; & such fines, so collected, shallbe paid into y^e treasurer of y^t shiere where y^e cawse is tryed; & if any pson shall find himselfe greived wth y^e sentence of any such magis^{tr}e out of Cou^rte, he may appeale to y^e nex^t Cou^rte of y^e same shiere, giving reasonable securitye to psecute his appeale & abide y^e order of y^e Cou^rte; & if y^e said Cou^rte shall iudge his appeale cawselesse, y^e said appellant shallbe dowbly fined or corrected by whipping as aforesaid, not exceeding y^e former number of forty stripes, & pay y^e costs of Cou^rte, & of y^e p^rty complayning or informing, & wittnesses in y^e case; and for all such as, being vnder age of discretion, shall offend in lyeing contrary to this order, their pa^rents or m^rs shall give them dew corection, & y^t in y^e p^rsence of some officer, if any one magis^{tr}e shall so appointe; p^rvided also, y^t no pson shallbe barred of his just ac^{ti}on of slaunder or otheruise by any p^rceeding vpon this order.

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*Itt was resolved vpon y^e quæstion by vote, y^t y^e Speaker is moderato^r of y^e Howse of Depu^{ts}, (for y^e time being,) & hath a casting vote, when it falls out to be an æquivote. [*12.]

Speaker allowed to vote.

By y^e dep^{ts}, Cap^t Rob^t Keayne, W^m Parkes, contra dicentes.

Itt was resolved vpon y^e quæstion, by vote, y^t no member of this howse shall have libe^rty hencefo^rward to enter his contradicent to any vote y^t shall passe this howse in y^e absence of such members, when such absence is occasioned by their oune p^rivate occasions.

Dissent to votes regulated.
By y^e Dep^{ts}.

About Hingham case.

Itt was resolved, vpon y^e quæstion, viz., (Whether Anthony Eames was confirmed in his lefts office by authority,) that Anthony Eames was not confirmed in his lefts office by authority.

Anthony Eames's commission not confirmed.

An æquivote of 16 dep^{ts} being past in y^e case, y^e lawe of liberty y^t gives y^e moderato^r a casting vote, cast it on y^e negative p^rte to y^e quæstⁱ.

The retou^rne of o^r honno^red magis^{tr}e to y^e case.

Affirminge,

1. That wee finde y^t Lef^t Eames was y^e cheife officer of y^e millitary company at Hingham, when most of y^e company refused to be trayned by him, according to y^e advice of y^e magis^{tr}s in y^e time of y^e last Gennerall Cou^rte.

Magistrates opinion on Lieut. Eames.

The Howse of Dep^{ts} assent to y^e magis^{tr}s affirma^{ti}on by 18: contra dicentes 12.

1645.

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Further on
Lieut. Eames.

2. Wee finde y^t y^e Gou^r, Dep'y Gou^r, & Major Gennerall allowed & approved him to be left of y^e same company wth vnanimous consent.

3. Wee finde y^t though he laid doun his place, it was of no validity, it being ne^ur allowed by authority; & if it were, yett he was chosen againe by y^e company of Hingham, & confirmed at y^e last Gennerall Cou^rte, by y^e counsell, for life, wth y^e consent of y^e magis^{ts}, & by y^e warrant of y^e major generall, to trayne them as their left.

The House of Dep^{ts}, deviding y^e 3^d affirmac^on into two se^uall votes, to both p^{ts} they did dissent fro^m o^r honno^red magis^{ts} affirm^on.

To y^e 1 p^{te}, 17 discent, 16 concu^rring; to y^e 2^d p^{te}, 15 discent, 14 concu^rt, & 4 neu^t.

[*13.]

Lieut. Eames
again.

*4. Wee finde y^t x x reported y^e advice & direction of y^e magis^{ts} to many of y^e company, in a private house, before y^e trayning day, he delivered it sometimes contrary to truth, & sometimes in doubtfull termes, though in y^e hearing of some few he explaind himselfe; but both he & others carryed y^e matter in such a manner y^t most of y^e company refused to followe Left Eames; y^e said Joshua Hubbard carryed away y^e collo^s, & put M^r Allen to vote for their capt, who trayned a great p^{te} of y^e company y^t day, & some dayes afterwards, wholly reiecting Left Eames, who informed y^e company y^t he was advised by authority to exercise y^e company; Joshua Hubbard told him openly it was false.

The deputs concu^rre wth y^e magis^{ts} in their 4th affirmac^on.

5. Wee finde y^t Joshua Hubbard, Dan: Cushman, Tho: Hubbard, Edm: Hubbard, W^m Hersey, & M^r Allen were cheife acto^s & occa^oners of this disorderly & mutinous carriage, though some more guilty thereof then others; also Edmond Gold spake words, wth reference to this case, iustly deserving censure.

Consented to by 18 deputs; dissented from by 15 deputs.

Compt refuse
to train under
L^t Eames.

6. Wee find y^t y^e major generall being informed of this diso^rde^rly & mutinous carriage, vnder y^e hands of 27 or 28 of Hingham, he sent Major Gibbons to Hingham, wth direction to require & command y^e office^s of y^e said company to keepe their antient places, as also y^e company to follow Left Eames, & be trayned by him till y^e next Gennerall Cou^rte, ac^oding to y^e former direction of y^e magis^{ts}, w^{ch} he, y^e said major, did deli^ur; first by way of request, then by com^and, both in y^e major genne^ralls name & his owne, w^{ch} yett, no^twthstanding, they refused to obey.

Consented to by 18 deputs; dissented from by 14, as y^e form^t, by reason of y^e word mutinous therein inserted.

7. Wee finde Joshua Hubbard, Edmund Gold, Thomas Hubbard, & Ed-

mond Hubbard were sent for by warrant, & bound our by foure of y^e magis^{ts} 1645.
to y^e next Q^{ue}r Courte, to answer for their aforesaid miscarriages.

16 June.

The Howse of Depu^{ts} concurr wth o^r honno^{ed} magis^{ts} herein.

8. Wee finde y^t Joshua Hubbard being called forth to cleare himself, in y^e church, of an accusa^{co}n for telling a lye, in y^t he said authority advised Left Eames to lay doune his place, John Towres wittnessd y^t authority did advise him so to doe, & also said one magis^{ts} advised him so to doe.

The Howse of Dep^{ts} concurr wth o^r honno^{ed} magis^{ts} herein.

*9. Wee finde y^t Jox Faulsham testified in y^e church y^t y^e Go^urn^r & Dep^t Go^urn^r (y^t now are) said y^t y^{ey} gave y^e left no order to exercise y^e company, nor had they power so to doe, (wth words y^e Go^urn^r & Depu^t deny to have so spoken,) & therefore sent for y^e said Foulshame to appeare before them, to answer for y^e same, who, coming to y^e Dep^{ts}, was required by him to put in band, to answer it at y^e next Q^{ue}r Courte; who, refusing so to doe, was then dismissed; but at a petty Cou^{te}, being required againe to put in band, & still refusing y^e same, was by y^e Courte comitted to prison.

The depu^{ts} concurre wth o^r honno^{ed} magis^{ts} herein.

10. Wee finde y^t y^e publicq chardge & accusa^{co}n of John Foulshame & John Towres agst y^e Dep^t Go^urn^r, y^e p^{ro}mises considered, are cawselesse & vniust; & y^t some things in y^e peti^{co}n & explana^{co}n of it are falce & scandalous, for w^{ch} all y^e peti^{co}ners ought to receave their dew censure.

To y^e chardge by John Foulshame, of y^e Dep^t Go^urn^r, 14 depu^{ts} assent y^t it is vniust, & 13 depu^{ts} dissent; 6 standing neu^t.

To y^e chardge by John Towres, of y^e Dep^t Go^urn^r, 17 depu^{ts} vote y^e negative, y^t his chardge is not vniust, & 14 affirme, & 2 stand neu^t.

To y^e 3d clawse, whether something in y^e peti^{co}n & explana^{co}n are falce & scandalous, 16 depu^{ts} concurr wth y^e magis^{ts}, 12 dep^{ts} dissent, & 4 stand neu^t.

To y^e last clawse, for w^{ch} all y^e peti^{co}ners ought to receave their dew censure, 18 depu^{ts} discent therefrom, & 12 assent.

The some of y^e case in breife to be this:—

1. That Anthony Eames was y^e lawfull & settled left or cheife officer of y^e military company of Hingham.

2. That y^e greatest p^{ro}te of y^e company did mutinously & disorderly refuse to be trayned or comanded by him.

3. That herevpon some of them were justly bound oil to y^e Q^{ue}r Courte, to answer for their misdemenors; & others for their misrepor^{ts}, & countenancing of y^e cheife acto^{rs} herein, were required to doe y^e like, who, refusing, were by y^e Cou^{te} comitted to prison.

By y^e magis^{ts}.

Articles on
Lieut. Eames.

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4. That y^e pmisses being dewly & rightly considered, wee conceive y^e petiçion is cawselesse & iniurious, not only ag^{nt} the Dep^t Gouⁿ's, but also ag^{nt} other of y^e magis^{ts}, whom y^e chardges therein contayned (& not pved) must necessarily reflect.

5. Yett, lastly, wee desire, as much as may be, moderaçon be shewed in y^e censure of y^e delinquen^{ts}, as y^e case & nature of y^e offences, allowing them their iust pleas, (& allegaçons,) will beare.

The magis^{ts} have voted hereto, & desire y^e deput^s to retou^{ne} their assent to this case, y^t y^{ey} may pceed to consider of dew censur^{es} ag^{nt} such as have offended, seually & respectively.

[*15.] * The collections of y^e Howse of Deput^s (after y^e Magis^{ts}) frō y^e retou^{ne} of y^e comittee, concerning Hinghm case.

Hingham.

1. Wee finde y^t Lef^t Eames did lay doune his place as y^e cheife officer of Hinghm company; & y^t he did say he would neir lead y^e company into y^e feild againe, or to y^t purpose.

2. Wee finde y^t Mr Bellinghm did legally give advice to Lef^t Eames, viz.: y^t y^e said Lef^t Eames should goe home, & goe into y^e feild, & honno^{bly} lay doune his place. Cap^t Rob^t Keayne contray dicens.

3. Wee ffinde y^t it was not in y^e power of y^e counsell & maj^{or} by lawe to confirme an officer in y^e sitting of y^e last Gennerall Courte.

4. Wee finde y^t Lef^t Eames, not shewing his order, (being required,) was some cawse of this disturbance.

5. Wee finde y^t Joshua Hubbard did evill in telling y^e company of Hingham y^t Thomas Mino^r was cast out of y^e Cou^rte, w^{ch} in pbability did weaken his testimony, & might be some occaçon of this disturbance.

6. Wee finde y^t y^e Dep^t Gouⁿ did offend in saying y^t it was contrary to y^e lawe of God & man to knowe their accusers before y^e time of tryall.

The answer of y^e Magis^{ts} to y^e collections of y^e Deput^s.

1. If y^e meaning of these words in y^e first collection (did lay doune his place) be meant orderly & legally, as lef^t, wee assent; but if it be meant willingly, so much as lay in him, wth some other cawtion, wee dissent. Y^e latter pte, y^t he would neir leade y^e company into y^e feild, or words to y^t purpose, wee finde not sufficiently pved, being but one witnes, & he a ptye, viz., Foulshame.

2. To y^e 2^d, wee answer, y^t w^t advise Mr Bellingham gave, according to his ap^hençon, while y^e matter was in agitaçon, was not illegall; but how legall or convenient it was to crosse y^e advise of y^e magis^{ts}, & his owne also, or

whether it were so or no, wee rather leave, y^t have heard it, to consider of, then positively to determine it, not being, as wee conceive, ptinent to y^e case as it concernes M^r Bellingh.

1645.

16 June.

3. To y^e third, wee answer, y^t wee formerly sent vnto yow 2 lawes, (viz.:) in 1636, 7 moth; y^e other in 1636, 10 moth, whereby power was given to y^e counsell to confirme military officers in their places wthout restraining them from so doing at any time or in any place. If any lawe or order cann be shewed to take this power from them, wee desire it may be p^{ro}duced, & wee shall rest satisfied. But if there be none, (as wee beleewe there is not, because wee have searched & cann finde none,) wee then desire y^t yow would be satisfied.

*4. Wee answer, y^t y^e irregular requiring of Left Eames to shew his order, by a private souldier only, wth y^e lefts neglect so to doe, might possibly occasion some disturbance, & yet y^e left blamelesse.

[*16.]

5. To y^e fifth wee assent.

6. To y^e sixth wee answer, if y^e words (did offend) be meante criminally, wee dissent; but if y^e meaning be, he did erre & speake amisse in so saying, wee assent, but conceive he gave full satisfacc^on when publicly he confessed, y^t if he so said, it was a mistake, he owned it not being contrary to his iudgment.

The Magis^{ts} desire this their answe^r to y^e Depu^{ts} collections may satisfye them.

28 June, 1645.

The Howse of Dep^{ts} did voluntarily enter into an oath of God, verbatim to y^e oath in y^e Courte reco^rds, to deale vprightly in Hingham case, except Cap^t Keayne, Left Atherton, John Johnson, Tho: Lyne, & W^m Parkes, who did take their oathes in y^e case before y^e magis^{ts}.

28 June.

Witnes, Increase Nowell, Sect.

The Magis^{ts} have by their votes fined y^e p^{er}sons after named, at such so^mes as hereafter are expressed, having binn as moderate, & gonne as lowe as they any wayes could, wth y^e holding vpp of authoritye in any measure, & y^e maintenance of justice, desiring y^e concurrence of y^e Dep^{ts} herein, y^t at length an end may be putt to this long & tedious buisnes.

Joshua Hubbard is fined	20 ^l 00 ^s 00 ^d
Edmond Hubbard,	05 00 00
Thomas Hubbard,	02 00 00
Edmond Gold,	01 00 00
John Faulshame,	20 00 00

First.
Persons fined
in Hingham
Company.

1645.

28 June.

John Towers,	05 00 00
Daniell Cushin,	02 10 00
W ^m Hersey,	10 00 00
M ^r Bozon Allen,	10 00 00
M ^r Peter Hubbard, y ^t first subscribed y ^e petiçôn,	02 00 00
All y ^e rest of y ^e petiçôn's, being 81, out of w ^{ch} nom ^b are excepted three, viz., M ^r Peter Hubbard, John Foulshame, & John Towres, y ^e rest making 78, are fined 20 ^s a peece, y ^e some of w ^{ch} is	
	155 ^l 10 ^s

Wee have also voted, y^t acording to y^e order of y^e Genne^rall Cou^rte, for so long time as theire cawse hath binn in handling, y^e petiçôn's shall beare y^e chardge of y^e Gennerall Cou^rte; y^e some of w^{ch} costs is to be cast vp & agreed by y^e Courte when y^e cawse is finished.

[*17.]

* The Howse of Depu^{ts} having issued y^e Hingham buisnes before y^e judg^{mt} of o^r honnorded magis^{ts} (vpon y^e case) came downe, they have herevnder exp^{ss}ed their determinate censures vpon such as they finde delinquents in y^e case, (viz.):

First.	Joshua Hubbard is fined	20 ^l 00 ^s 00 ^d
Persons fined.	Anthony Eames,	05 00 00
	Thomas Hubbard,	04 00 00
	Edmond Hubbard,	10 00 00
	Daniell Cushan,	04 00 00
	W ^m Hersey,	04 00 00
	M ^r Allen, besides his pporçôn w th y ^e trayne band,	01 00 00
	Edmond Gold,	02 00 00

50^l

The rest of y^e traine band of Hingham, y^t have an æquall vote allowed them by lawe for y^e choyce of their millitary offic^{rs}, are fined 55^l, to be paid by æquall pporçôn; y^e w^{ch} said somes of 50^l & 55^l are layde vpon y^e said delinquents for y^e satisfying of y^e chardge of y^e Courte, occa^õned by y^e hearing of y^e cawse, in case y^e said chardge shall arise to y^e some of 105^l 00^s 00^d.

The Dep^{ts} desire y^e consent of y^e Magis^{ts} herein.

Debate on the
Hingham train
band.

The Magis^{ts} cannot, wthout viola^õn of their consciences, agree to y^e fine of L^{ft} Eames, but are willing he should be admonished for his faylings, & bare his chardges in this buisnes; & though wee conceave y^e se^uall delinquents doe deserve y^e se^uall fines wee p^pounded, yett now a kind of necessity lyes vpon us to yeeld to w^t wee cannot helpe. If, therefore, y^e Dep^t Gofin^r may be p^pounced innocent in w^t hath binn chardged vpon him, & y^e

petiçõe's enioyned to make publicq acknowledgm^{nts} for y^e iniury donne him, wee shallbe content to yeeld to y^e Depu^{ts} in y^e rest ; though wee conceave farr greater satisfacõn to be dew. If this may not be obtayned, w^{ch} only love & peace, together wth y^e welfare of this collony, forceth vs to yeeld vnto, wee then desire some indifferent arbitrato's may be nominated, to whome y^e cawse, for finall determinacõn, may be deferred.

1645.

28 June.

The Dep^{ts} conceave y^t all y^e offendo's are in duty bound to acknowledge their offences so farre forth as in their oune consciences they shallbe convinced ; but wee judge they are not to be forced to y^e same, being otherwise punished. Wee canno^t make a declaration of y^e Dep^{ts} innocency, because wee know no rule of God nor any p^{re}sident in any of our oune Cou^rts *for y^e same ; neither canne wee abate Le^f Eames fine for y^e reasons w^{ch} wee have sent, & others w^{ch}, for brevity, wee omit ; & if our honno^{red} magis^{ts} be not satisfyed herewth, wee desire y^t y^{ey} would be pleased to choose their arbitrato's, & lett vs vnderstand their names, y^t wee may choose some to joyne wth them, or if they please, y^e Depu^{ts} are content to put a finall determinacõn to it by a lott.

Courts further opinion.

[*18.]

1 July, 1645.

The Howse of Depu^{ts}, after conference by both howses, being more then willing to condiscead to their judgm^{nts}, so farr as their owne judgm^{ts} & consciences will give leave, y^e rather y^t love, peace, & accorde may raigne in o^r clymate, w^{ch} God hath genne^{ally} taken from all y^e earth ; they therefore desire y^t o^r honno^{red} magis^{ts} would be pleased to honno^r them so farre as to give them a favorable meeting, & concurrance in their second votes vpon their second consideraõn, herevnder written : —

1 July.

Wee fine Le ^f Eames,	. . . . .	05 ¹ 00 00
Joshua Hubbard,	. . . . .	20 00 00
Edmond Hubbard,	. . . . .	05 00 00
Thomas Hubbard,	. . . . .	02 00 00
Edmond Gold,	. . . . .	01 00 00
John Foulesham,	. . . . .	05 00 00
Daniell Cushman,	. . . . .	02 10 00
W ^m Hersey,	. . . . .	04 00 00
M ^r Allen,	. . . . .	05 00 00
M ^r Peeter Hubbard,	. . . . .	02 00 00
Y ^e negative vote infores Le ^f Eames fine to be deducted.		51 10 00

So then the some is as in y^e marg^{nt}.

46¹ 10^s 00¹

1645.

1 July.
John Tower
censured.

John Towres censure for his delinquencye is, y^t he should bare his imprisonment, pvided he bare no other censure, either as petiōner or otherwise.

The Howse of Depu^{ts} doe agree y^t 53^d 10^s should be layd vpon all y^e petiōners by an æquall rate, by y^e pole, towards y^e payment of y^e chardge of y^e Courte vpon y^e case, excepting John Towres & y^e rest of those delinquen^{ts}, y^t are fined as is above menōned, and y^t y^e said seūall fines & somes be paid by & received of y^e delinquen^{ts} wthin 3 months.

The Magis^{ts} agree to these fines above menōned, all but for Le^f Eames, whom wee judge to beare his oune chardge, & have an admoniōn for laying downe his place wthout consent of authority, & other failings.

[*19.]

*The Depu^{ts} doe concu^re wth o^r honno^red Magis^{ts} last retou^rne conce^rn-
ing Le^f Eames, rather then nothing to be imposed vpon him.

J. Winthrop
acquitted.
Agreed to by
both howses.

The Gennerall Cou^rte having very largely heard & debated a complainte brought ag^{nst} John Winthrop, Esq^r, Dep^t Go^vnr, by certaine psons of Hingham, doe judge y^t y^e Depu^t Go^vnr is legally acquitted of those things y^t have binn complayned of, or layd to his chardge, & have therefore, & for their other offences, punished y^e said complaynants by seuerall ffynes, to be payd to the countrey, to y^e somme of fforty sixe pounds tenne shillings; & for chardges of y^e Gennerall Cou^rte, ffifty three pounds tenne shillings; whereof for y^e Dep^{ty} Go^vnr his clearing wee desire y^e country will hereby take notice.

Commiss^r ap-
pointed.
By both
howses.

John Winthrop, Sen^r, Esq^r, & Herbert Pellam, Esq^r, are chosen & appointed by this Cou^rte commissiōners for this collony, to meete wth y^e comi-
sioners of y^e Vnited Collonyes, in their next meeting, at Newhaven; & in case either of theis shallbe hindered by any pvidence, y^t then Cap^t Cooke shall supplye such defect. & if it shall happen y^t there shall fall ou^t any further defect, by any pvidence, y^t then M^r Hawthorne shall supply such further defect y^t shall so happen.

Persons to
draw up lawes
in the severall
counties.

Itt is o^rdered, y^t seuerall psons out of each county shall be chosen to drawe vp a body of lawes, & p^sent them to y^e consideraōn of y^e Genne^rall Cou^rte, at their next sitting.

For y^e county of Suffolke, o^r honno^red Go^vnr, M^r Hibbens, M^r Cotton, M^r Mather, Le^f Duncombe, & M^r Prichard are chosen a comi^ttee to meete, conferre together, & drawe vp a body of lawes, & p^sent them to y^e next sessions of this Courte.

For y^e county of Middlesexe. He^rbe^t Pelham, Esq^r, M^r Nowel, M^r Tho: Shepheard, M^r Allen, Cap^t Cooke, & Le^f Johnson are chosen a comi^ttee to meete, conferr together, & drawe vp a body of lawes, & p^sent them to y^e next sessions of this Courte.

For y^e county of Essexe, Rich Bellingham, Esq^r, M^r Bradstreete, M^r

Nath : Rogers, M^r Norton, M^r Warde, & M^r Hawthorne are chosen a comitte to meete, confer together, & drawe vp a body of lawes, & p^sent them to y^e next sessions of this Cou^rte.

1645.

1 July.

*John Whittingham, gent., being p^sented to this Courte by y^e constable of Ipswich, in y^e name of y^e millitary company there, as their left, by them chosen according to o^rder of Courte, & S^rgn^t Howlett in like manner for their ensigne, they were both accepted of & confirmed in their places by this Cou^rte.

[*20.]

J. Whitman
lieut.
By both
howses.

In answ^r to y^e wyddowe Phillips peti^cōn, itt is ordered, y^t if y^e peti^cōner, wth the guardians of y^e children, wth their consent, cannot agree to sequester such lands & goods as may secure wyddowe Howe, y^t then y^e judgm^t given to y^e wyddowe Howe shall be satisfied ac^ording to lawe in y^t case p^rvided.

Widow Phil-
lips petition.
By both
howses.

Edward Hutchinson, being p^sented by y^e Deput^s of Boston to this Courte as ensigne of y^e millitary company there, was accepted of & confirmed in y^t office by this Courte.

E. Hutchinson
ensign.
By both
howses.

Le^f To^ry is appointed to take care of y^e company of Hingham ; to trayne & exercise y^e trayne band there, till y^e Cou^rte take further order herein.

By both
howses.

Itt is ordered, y^t y^e order about saltpecter howses in each toune be p^rse- cuted & quickned ; y^t Edmond Gardine^r be allowed forty shillings for his paynes, by such as are delinquent^s concerning y^t order in y^e toune of Ipswich.

Order on salt-
petre houses.
By both
howses.

The Howse of Deput^s canno^t consent wth o^r honno^red Magis^{ts} in y^e adiourn- ment^t of y^e Cou^rte till y^e 2^d day next come sevensnight, ac^ording to their bill.

Deputies dis-
sent to ad-
journment.

In answ^r to y^e peti^cōn of W^m Ting, Griffith Bowen, W^m Toy, cum alijs, y^e peti^cōne^rs request is graunted, p^rvided y^t y^e p^rprietors be satisfied by them for what damage may come to them by such a way ; & M^r Glouer, Le^f Atherton, Edmond Goffe, & Edward Oakes are appointed a comitte to lay out y^e way & judge of y^e satisfac^cōn y^e shall give to y^e p^rprietors.

By both
howses.

Itt is ordered, y^t o^r comission^s fo^r y^e Vnited Collonyes shall continew till y^e next Cou^rte of Elec^cōn, & till new be chosen.

Itt is o^rdered, y^t a levye of 616^s & 15^d shall issue out from this Cou^rte, to be raised on e^{ch} toune, ac^ording to y^e se^ttl^d propor^cōns y^t shall be deter- mined by y^e comitte who are sett aparte fo^r y^t worke, they being one dep^t of a toune.

By both
howses.

Itt is o^rdered, y^t y^e one halfe of each tounes rate shall be paid into y^e treas- ury wthin 3 months, & y^e other halfe by y^e end of y^e 1th month next ; & y^t each toune may pay y^e rate in catle, co^rne, bevo^r, or mony, as they please, so as, in their first p^rpor^cōns, they observe y^e order for y^e defraying y^e expences of this Cou^rte.

A rate to be
levied.

*Itt is o^rdered, y^t such catle as any tounc shall p^rffer fo^r satisfac^cōn for any p^rte of their rate to y^e Treasu^rer shallbe ap^rized by two indifferent men, equal-

[*21.]

1645.

1 July.
Cattle in pay-
ment of notes
to be praised.

ly chosen by y^r Treasu^re & by y^e toune ; & in case they agree not, an vmpire to be equally chosen by them ; & y^e prizes of y^e seüall graine y^e Treasu^re is to accep^t from each toune are : —

For wheate & } 4 ^s	ffor pease } 3 ^s 6 ^d	for Indian } 2 ^s 8 ^d
barly, at }	& rye, at }	co ^r ne, }

The ppor^ons of each tounes rate agreed vpon by y^e comⁱtee is as fol-
loweth.

Hingham,	15 ^l 00 00	Charles Toune, . . .	55 ^l 00 ^s 00 ^d
Weimouth,	10 10 00	Salem,	45 00 00
Braintree,	10 10 00	Lynne,	25 00 00
Dorchester,	43 17 06	Ipswich,	61 10 00
Roxbury,	37 10 00	Newberry,	23 00 00
Boston,	100 00 00	Rowley,	15 00 00
Dedham,	20 00 00	Salisbury,	10 00 00
Concord,	15 00 00	Hampton,	10 00 00
Water Toune,	41 05 00	Meadfoard,	07 00 00
Cambridge,	45 00 00	Wenham,	03 10 00
Sudbury,	11 05 00	Glocester,	04 17 00
Woobourne,	07 00 00		

Soma totalis, 616^l 14^s 06^d

18 June.

E. Rawson
clerk chosen.

Edward Rawson is chosen & appointed cla^rke to the Howse of Depu^{ts} for one whole yeere, to enter all votes past in both howses, & those also y^t passe only by them, into their booke of reco^rds.

Whereas this Cou^rte is informed y^t there is no drumme wthin y^e towne of Salem, whereby y^e inhabitants thereof have no meanes of giving warninge one to another, or to other tounes, or farmes, by an alarum, vpon the approach of an enemy, the defect whereof may indanger y^e lives & estates of such as dwell there, as alsoe be very pⁱudiciall to y^e whole comⁱon wealth, — this Cou^rte therefore, taking y^e p^rmisses into considera^on, doth hereby o^rder, y^t y^e said toune of Salem shall p^rvide two good drummes, to be alwayes ready vpon occa^on, for y^e toune & band ; to be p^rcured wthin 3 weekes, on y^e penalty of 5^l.

In y^e case about y^e prisoner, y^e Howse of Depu^{ts} conceave y^t there is not time to heare y^e cawse & determine it, & therefore desire it may be referred

Salem to pro-
cure drum-
mers.

By both
howses.

18 June.

to y^e next sitting of y^e Cou^rte, & in y^e meane time he may be sett aworke to earne his livinge.

1645.

18 June.

[*22.]

Capt^e Rich^d
Davenport to
build huts for
the garrison.
By both
howses.

*This Cou^rte, considering y^e continuall dainge's y^e places w^{ch} are most free from feare of warre are in, not being willing to be wanting to our oune peace & safety by y^e neglect & not impving such meanes as God affoards vs & putts into o^r hands, doe o^rder & appointe Cap^t Richard Davenpo^rte, by all y^e meanes y^e Courte allowes him, & y^e five next townes, fo^r y^e keeping of a garrison, hath or shall affoarde him, doe his vtmost endevo^r to have y^e seuerall huts for y^e garrison finished wth all speede possible, and also remove y^e old howse, & erectinge it into one or two howses fitt for such purposes, & in such place as y^e co^mitte^e of y^e above men^cioned townes wth himself shall thinke mos^t meete to answer y^e expecta^cion of y^e country; & y^t, assoone as y^e said Cap^t Davenpo^rte shall in any fitt measure have finished y^e huts, give notice thereof to y^e seuerall constables of y^e five next townes, y^t they may send to him their appointed garrison, as by order & warrant from this Court they are enioyned to doe, for y^e acomplishment whereof this Cou^rte orders y^t Boston, Roxbury, Charles Toune, Cambridge, & Dorchester doe forthwith, at or before y^e 1th of August next, pay, or cawse to be paid, to y^e said Rich Davenpo^rte y^e some of fifty pounds in wheate or other suffieyent pay as y^e Cou^rte orders y^e next levye to be paid in, & at y^e prize, viz, Boston fowerteene pounds, each other of y^e fower named townes nyne pounds, w^{ch} shallbe abated them ou^t of their next country levye.

Itt is o^rdered, by y^e authority of y^e Courte, y^t all shippes y^t come for trading only from other p^rtes shall have free accesse into o^r harbor^s, & quiett ridinge there, & free leave to de^pte wthout any molestacⁱon by vs, they paying all such duties & chardges as others doe, required by lawe in y^e countrye.

Vessels to enter & depart
the harbour.

By both
howses.

Itt is o^rdered, y^t these seven Frenchmen, viz, La Fortune, Columby, Saint Awbin, La Violette, La Rosse, La Garenne, & Laviolette Swysse shall be allowed seven pounds in p^rvi^cion on y^e countryes chardge.

Frenchmen to
have provis-
ions.

By both
howses.

Itt is o^rdered, y^t y^e Treasure^r shall pay Goodwife Hackbou^rne, for hir paynes shee hath taken this & y^e last Cou^rte, twenty shillings.

By both
howses.

Itt is o^rdered, y^t Braintree shall be abated ou^t of their next levy, for their Depu^ts lodgeinge, tenne shillings & 8^d.

*Itt is o^rdered, y^t lette^rs shall be forthwth writte & sent to y^e co^missione^rs of y^e Vnited Collonyes to desire their speedy meeting here at Boston, to conferre of such weighty matters as are thought meete by this Cou^rte to be p^rsented to them, whereby their determinacⁱoⁿs thereabouts may be p^rsented to this Cou^rte.

[*23.]

By both
howses.
Commissioners
summoned.

Contra dicentes: Rob^t Bridges, W^m Hautho^rne, Nathā Sparowhauke, Bozō Allen, & Joshua Hubbard.

1645.

18 June.

By both
howses.Mr Coggan let-
ter.Ralph Hei-
wood petition.
By both
howses.

Court trials.

Drinking
healths re-
peal^d.By both
howses.By both
howses.By both
howses.Ship Guilberts,
security given
for.Salem courts
continued.

[*24.]

Surveyor gen-
eral to collect
debts.

Voted.

Tho^r Layghton
to draw wyne.

Henery Rust is appointed in Mr Peckes room to recorde marriages, births, & burials for y^e towne of Hingham.

In ans^w to a copy of a letter directed to y^e Assembly of Virginia in y^e behalfe of Mr Coggan, the Deput^s are willing y^t when y^e counsell of y^e com^{on}wealth shall have taken an acc^op^t of y^e com^{it}tee about Mr Eaton's estate, y^e then they take care for y^e sending of a letter acc^ordingly.

In ans^w to y^e peti^{ti}on of Ralfe Heiwoode, of Salem, itt is agreed y^t Mr Hawthorne & Mr Bartholmew, ingaging themselves to pay three pounds for y^e debt of y^e sayd Ralfe Heiwood vnto y^e Treasurer wthin fower months, y^e residew of y^e debt he owes y^e country for y^e transpo^tac^on of a child being remitted.

Itt is o^rdered, y^t it shall not be in y^e power of any Cou^rte to trye any cawse y^e Gennerall Courte hath tooke cognisance of, wthout some o^rder from y^e Gennerall Cou^rte.

The lawe forbidding to drinke one to another is hereby repealed.

Att y^e request of y^e inhabitants of Jcofferyes Creeke, this Courte doth graunt y^t y^e said Jcofferyes Creeke hencefo^rward shall be called Manchester.

Mr Broadstreete & Mr Symonds are appointed to keepe Cou^rts att Douer, & Cap^t Wyggyn, Mr W^ms, & Mr Smith are appointed associatts to asist therein.

In ans^w to y^e peti^{ti}on of Rich: Russell, Treasurer, concerning y^e shipp Guilberts repⁱsal, there appearinge diuersitye of info^rmac^on thereabouts, (shee being absent,) wee not being to heare & determine y^e difference thereabouts, the Deput^s desire y^t y^e marchants w^{ch} tooke y^e said shipp in repⁱsal be speedily called & cawsed to give in sufficient securitye to be responsall therefore in case, &c, and y^t y^e said securitye be p^rsented to this howse before any further p^rceeding.

Itt is o^rdered, y^t y^e Cou^rts of Salem & Ipswich be kep^t by those magis^{ts} & other p^rsons y^t kep^t y^e same y^e last yeere acc^ording to fo^rmer order, & till y^e Genne^rall Cou^rte in Oc^tober next.

*Itt is o^rdered, y^t o^r s^rveio^r gennerall & W^m Parkes shall require y^e sixty three pounds eight shillings & nyne pence dew to y^e countrye from Mr Edward Ting, & vse all legall wayes & meanes for y^e speediest recouery thereof, & lay it ou^t & purchase powder wth it, & deliuer it for y^e countryes vse to y^e com^{it}tee appointed by this Cou^rte to secu^re y^e countryes store; & ffurther they shall take care for y^e calling for & secu^ring of y^e countryes debt in M^rs Stoughton's hand, when y^ey shall have full info^rmac^on thereabout's by y^e next shipp.

At y^e request of y^e towne of Lynne, liberty & licence is graunted by this Cou^rte to Mr Thomas Layghton to drawe wyne for y^e towne of Lynne.

Mr Thomas Layghton, Edward Burcham, & Thomas Puttman are appointed by this Cou^{te} to end smale causes fo^r y^e towne of Lynne for y^e yeere ensewing.

1645.

18 June.

Edw^d Burcham
to end small
causes.

H. Griffin clerk
of writs.

Hugh Griffyn is appointed clarke of y^e writts for y^e towne of Sudbury, in y^e roome of Walter Haymes.

Mr Woodman, Mr Jo: Lowle, & Rich Knight are appointed to end smale causes for y^e towne of Newbery for y^e yeere ensewing.

Mr John Russell is appointed clarke of y^e writts for y^e towne of Cambridge.

J. Russell clerk
of writs, Cam-
bridge.

Philemon Dalton, at y^e request of y^e towne of Hampton, is authorized & appointed by this Courte to marrye there such as are dewly published according to lawe.

Mr Rich Broune, Lef^t Mason, & Ephraim Childe are appointed to end smale causes for y^e towne of Water Towne for this yeere ensewing.

R. Brown to
end small
causes in Wa-
tertoun.

Hugh Caulking, Thomas Smith, & Obadiah Brewen are appointed to end smale causes for y^e towne of Gloucester for this yeere ensewing.

Tho^s Smith,
small causes,
Gloucester.
Committee on
burning
grounds.

Lef^t Mason, W^m Heath, & W^m Parkes are chosen a committee to consider of y^e order about burning of grounds, & what is to be rectified in it, & to present their thoughts thereabouts to this howse.

The House of Depu^{ts} doe concu^re wth o^r honno^red magis^{ts} y^t some publicke notice shall be given to y^e country of their liberty to joyne wth y^e vndertake^{rs} of y^e iron worke if they please.

Iron works.

*To y^e R^t Honno^rable y^e Lords & Comons of y^e High Cou^{te} of Parliam^t in y^e kingdome of England.

[*25.]

Address to
Parliament

The humble peti^{ti}on of y^e Massatusetts, in N: E:

Humbly sheweth, —

That, whereas a shipp of Bristoll, called y^e Mary, being peaceably trading in o^r harbo^r, was surprized by Cap^t Stagge wthout our licence or privyete, & whereas, being called to accom^t for y^e same, he shewed vs a comission from y^e authority of this high Cou^{te} to take any shipp belonging to Bristoll, &c, by oca^{si}on whereof, ou^t of y^e dew respect to y^e honno^rable Cou^{te}, wee thought not fitt to contend wth him, but only p^{er}mited him to carry away y^e said shippe. But so it is, y^t Mr Hugh Broune & Mr Philip Jackson, m^{er}chants of y^e same, being men, as wee are informed, well affected to y^e king & Parliam^t, are hereby much weakned, & both themselves & distrs others are also discouradged from sending any fu^rther suply vnto vs, whereby wee are like to be much distressed for want of such necessary comodities as they were wont for many yeeres to send to vs: may it therefore please this high Cou^{te} to

1645. take this cawse into serious consideraçon, & so to tender y^e great losse of y^e said marchants & y^e interruption of our trade by this meanes, as it may be declared by some acte of y^e same, y^t no such attempt may be made hereafter vpon any shipp in o^r harbo^r, or of any of our confederation in N: E: & y^t such incou^ragement maybe given to y^e marchants of y^e citty of London or other places for supplying vs in dew time as to y^e wisdome of this high Courte shall seeme expedient.

18 June.

E. Gibbons to
pay R. Salton-
stall £263 5.

Itt is ordered, y^t Maj^{or} Edward Gibbons, out of y^e p^{ro}ceed of y^e goods of y^e marchan^{ts} of y^e shipp Guilbert, shall pay to M^r Rob^t Saltonstall y^e some of 263^l 05^s, w^{ch} he hath paid y^e seamen of y^e said shipp Guilbert, for their wages, provided y^t M^r Vallentine Hill seale y^e 1000^l band for being responall for y^e rep^{ri}sall of y^e said shipp, in case, &c.

Impost not to
be paid in Con-
necticut River.

Itt is y^e minde of this house, y^t none of ou^r should pay any impost to any of Coⁿnecticutt jurisdic^{ti}on, wth rela^{ti}on to y^e passing thorough any p^{ar}te of Coⁿnecticutt Riuer.

[*26.] *An o^rder about y^e choyce of s^{er}g^{nt} maj^{ors} & their chardge; the clarkes of bandes, wth their chardge & oath, & militiary watches.

Officers quali-
fied to give the
freemans oath
to soldiers.

Itt is thought convenient, in regard there is a vacancye of y^e office of s^{er}g^{nts} maj^{ors} of regiments at this time, y^t vpon y^e 16th day of y^e 5th moⁿth, 1645, being y^e 4th day of y^e weeke, the trayne souldiers of euery towne in each shiere wthin this pattent shall meete together & nominate such a man or men as they shall judge fitt for y^e office of a s^{er}g^{nt} maj^{or} of y^t regiment, & y^t not only freemen, but all y^t have taken y^e oath of fidellitye, or shall take it before y^e elec^{ti}on, may have libertye of their voates; and becawse many townes find it a great burthen to them, where they have no mag^{nt} neare, to carry so many of their inhabitants so farre to take their oathes, itt is o^rde^d, y^t power is hereby given to y^e cap^t, or, in defect thereof, to y^e next cheife officer of y^e company, in all tounes to administer y^e said oath of fidellity to such souldiers as are willing to take y^e same before they give in their votes; & such as doe take their oath to be ce^rtified to y^e next Cou^rte of y^t countye, w^{ch} votes of y^e whole company shallbe sealed vp & deliuered to one or both of y^e depu^{ts} of y^e said towne, or any other freeman y^t y^e towne shall appointe, & they to carry them to y^e shiere towne of each countye vpon y^e 23th of y^e 5th moⁿth, by tenne of y^e clocke in y^e forenoone, and there before one or two of y^e magis^{ts} of y^e said towne to open y^e p^{ro}xyes with y^e said depu^{ts}; and he y^t shall have y^e greatest nnumber of votes, being a freeman, to be p^{re}sented by one of y^e magis^{ts} of each shiere towne to y^e sa^{er}g^{nt} maj^{or} generall wthin one

weeke at y^e most after y^e elecōn, who shall install, confirme, & establish each s^rg^{nt} maj^{or} in his place for one yeere, & they to retayne their place & power till a new ellecōn be made by o^rder of y^e Gennerall Courte.

And to avoyd y^e vacancye of a place so necessary, for time to come, if any of y^e confirmed maj^{ors} should dye or remooove out of y^e cuntrye, or shall either leave their places or be remooved out of them, y^e s^rg^{nt} maj^{or} gennerall for y^e time being shall, wthin one month at y^e farthest after such a change, send doune his warrants to each toun^e *in the same shiere, to make choyce of one or more maj^{ors} aco^rding to y^e forme above men^cōned; and that euery s^rg^{nt} maj^{or} hath not only liberty, but also is inioyned once euery yeere at least, & oftn^r vpon any needfull occa^sōn or co^mand from y^e s^rg^{nt} maj^{or} gennerall, to drawe forth his regiment into one convenient place, & there to put euery cap^t & office^{rs} of y^e companyes in their places, & to instruct them in their dewtyes, according to y^e rules of millitary discipline, & to excersise his regiment, whether it shall consist of horse, pikes, or muskatcers, according to his best skill & abillities, as if he were to leade them forth agst an enemye.

Further, y^t euery s^rg^{nt} maj^{or} not only hath power, but is inioyned by this Courte, twice euery yeere to send forth his warrants or summons to require the cheife office^{rs} of each company in his regiment to meete at such time & place as he shall appointe, & there wth them to conferre & give in co^mand such o^rde^{rs} as shall by them be judged meete for y^e better ordering & setling of y^e perticuler companyes in millitary excersises; and y^t theis office^{rs} of each p^{ar}ticular companye shall bring wth them a note, from y^e rowles of their seuerall clarkes, of y^e names of such in their seuerall companyes as remayne delinquent^s & have not given satisfacōn before to y^e cap^t or cheife office^r of their companyes for all defects, either in their armes, amūnition, appearances, watches, offences, or y^e like; & y^t y^e said maj^{ors}, wth y^e consent of those office^{rs} then mett together, shall inflicte such fines or penalties aco^rding to lawe vpon y^e delinquent^s as shallbe judged æquall, & to give order to y^e clarkes of y^e seuerall bands to take distresse for y^e same wthin one month after such order, if before they give not satisfacōn.

And becawse wee observe many defects in making appearance in fitt armes for service & otherwise, wee o^rder y^t this Courte should cawse to be in-certed into euery clark^e's oath, —

First, y^t vpon euery trayning day, twice, once in y^e forenoone, as also in y^e afternoone, if y^e cap^t require it, at such time as y^e cap^t or cheife office^r y^t is then in y^e feild shall appointe, y^e call or cawse to be called ouer y^e list of *y^e names of all y^e souldiers, & y^t he shall give his attendance in y^e feild all y^e day, except^t he have speciall leave from his cap^t or cheife officer, for y^e taking

1645.

18 June.

[*27.]

Soldiers to be
learnt military
art.Fines to be col-
lected.

[*28.]

1645.

18 June.
Soldiers twice
a year to be re-
viewed.

Penalty for ab-
sence.

Seamen as well
as others to be
provided with
arms, &c.

[*29.]

Clerk to collect
fines.

notice of any defects, in y^e absence of souldiers, offences, &c, y^t doth often fall out in y^e times of exercise aswell as in y^e calling ouer y^e rowle; that twice every yeere, at least, he shall reue all y^e armes & amūnition of y^e band, to see if they be all according to lawe, w^{ch} wee conceave will be best accomplished after this manner: y^t y^e clarke shall signify seasonably to y^e cap^t or cheife officer of y^e band, & they to giue notice to y^e souldiers, y^t vpon such a trayning day appointed, they be required to bring wth them in y^e forenoone all their armes & amūnition into y^e feild, y^t is required by lawe, where they shall be approved or disallowed by y^e iudgement of y^e said cheife officer then in y^e feild, wth y^e clarke, w^{ch} have commonly more experience in y^e fitness of armes then y^e clarke hath; & to see y^t every souldier have one pound of powder, twenty bullets, & two fathome of match, wth muskett, sword, bandaleeres, & rest, vpon y^e penalty of tenne shillings for every defect, & to levye five shillings forfeite vpon all souldiers y^t shall be absent from traynings, or defects in watches & wardings, except^t they be discharged by y^e cheife officer of y^e company, & y^t y^e clarke, as often as he shall see occasiō or doubt, is hereby inioyned to vse all dilligence to reue every ones armes, whether he be compleately furnished wth armes & amūnition y^e lawe requires.

That all inhabitants, seamen aswell as others, are to have armes in their howses fitt for service, wth powder, bullets, match, as other souldiers; & y^t fishermen, shipp carpenters, & others not exempted by lawe, shall watch or pvide a sufficient man in their roome, & to traine twice a yeere according to order.

That y^e military officer^s of each company shall appointe what every souldier shall serve wth, so y^t there maybe two thirds musketts; & y^t those y^t serve wth pikes should have their co^slets & head peeces.

That y^e clarke shall, wthin one weeke after every trayning day, truly p^sent a list of y^e names of all y^t are delinquents, * & of all y^e defects of y^e band, to y^e cap^t or cheife officer of y^e company, y^t he may have them all in a redines to carry wth him when y^e major of y^e regiment shall appointe his meeting, w^{ch} have not before given satisfaciō at home according to lawe; & y^e order y^t gives power to y^e magis^{ts} to release vpon non appearance is hereby repealed.

That y^e clarke shall wthout partiallity demand & receave all fines, w^{ch} if any shall refuse to pay, he shall make distresse vpon the goods of all such p^sons as shall first by y^e cheife officer of their oune company at home, or by y^e major & cheife officers, mett together as before men^cioned, be iudged delinquents; & y^t y^e clarke, wth y^e advice of y^e cheife officers of their oune company, shall speedily lay out all fines, receaved either in ensigⁿe, drummes, hol-

berds, candle or wood, for their courte or guard, or to pvide powder or armes for y^e poorer sorte, or otherwise, for y^e best vse of y^e company. Lastly, if any clarke of a band being chosen, & accepts y^e place, & yett afterwards shall refuse to take his oath, shall pay forty shillings, & then y^e company shall choose another; and all y^t refuse y^e oath as before to pay forty shillings a peece till one doth hould, & he y^t doth accept y^e place shall have a fourth pte of y^e fines for his labor; & y^e order y^t graunted them a third pte is hereby repealed.

1645.

18 June.
Mode of disposing of fines.

The forme of y^e clarkes oath.

Yow shall trewly sweare to pforme y^e office of a clarke of a trained band Clerks oath. to y^e vttermost of your abillity or indevor, according to y^e p^rticule^s specifiyd in this o^rde^r. So helpe yo^u God.

The oath of residents for fidellity to be first taken by all such as are not free-men, & desire to have their votes in y^e choice of their millitary office^s.

I, A B, being by Gods pvidence an inhabitant wthin y^e jurisdic^on of Residents oath. this comonweale, doe freely & sincerely acknowledge myself to be subiect to y^e gouern^{mt} thereof, & therefore doe heere sweare by y^e great & dreadfull name of y^e euerlinge God, y^t I will be trew & faithfull to y^e same, & will acordingly yeeld asistance therevnto wth my pson & estate, as in æquity I am bounde; & will also trewly endeavor to maintaine & pserve all y^e libertyes & priviledges thereof, submitting myself to y^e wholesome lawes made & established by y^e same; & further y^t I will not plott nor practize any evill agst it, nor consent to any y^t shall so doe, but will timely discouer y^e same to lawfull authority now here established for y^e pventing thereof. So helpe me God in y^e Lord Jesus Christ.

*For y^e chardge of y^e millitary watch in all townes.

[*30.]

1. Itt is o^rdered, y^t y^e watche shallbe sett, & have their chardge by y^e Watchmen, when sett. direction of y^e cheife office^s of y^e place, halfe an hower after sonne setting.

2. The watch, being sett out, (w^{ch} wee thinke meete should stand dowble, Duty. a pike & a muskett together,) shall examine all psons y^t they shall meete wthall wthin y^e compasse of their watch or round, & all such as they shall suspect to carry to y^e courte of garde till y^e morning, & before they be dismissed to carry them to their cheife office^s to be examined.

3. If y^e sentinell or watch shall meete wth such as shall pve to strong for To resist with violence, if necessary. them, or by their carriage shall give iust cawse of suspition, or will not submit to their comānd, or if they shall either drawe vpon them or offer any such affronts in words or ac^ons as shall put them in feare or in hazard of

1645.

18 June.

Marshall to
collect tun-
nage.

Watertown,
petition of H.
Mason.

[*31.]

Public houses
to be granted
by the Court.

Price of beer
fixed.

Penalty for
drunkenness.

their lives, they shall chardge their pike & dischardge their muskett vpon them, & retourne wth speede to y^e courte of garde, & raise an alarum; provided alwayes, y^t in times of peace, when the counsell of warre or y^e cheife millitary officer's of any company shall not ap^hend dainger by y^e nearenes of an enemy, it shall not be in y^e liberty of any sentinell to hazard y^e killing of any pson or psons, except in his owne necessary defence; but if y^e case require it, he shall raise an alarum, & retire to y^e cou^te of garde.

Itt is ordered, y^t y^e marshall shall demand & take of all m^s or marchants y^e tunnage or anco^uage apointed & ordered by this Cou^te, to be paid from all shippes by y^e m^s or ma^rchants thereof, w^{ch} is sixpence p tunne; & of these two shippes now heere at an anco^r, & of all other y^t shall come in heereafter according to forme^r o^rder, giving an accom^t of what he shall receive to y^e co^mitte^e of y^e five tounes for y^e Castle.

In answ^r to y^e peti^{ti}on of Lef^t Hugh Mason, in y^e behalfe of y^e toune of Water Tounne, itt is graunted y^t y^e vote of y^e last Gennerall Cou^te shall be reueiwed; provided, y^e peticone's defray y^e chardges of y^e former Cou^te, & also engage themselves to beare all chardges of any after trialls in this case, & y^t y^ey doe p^{ro}duce such evidence as hath not binn forme^rly men^{ti}oned in this Courte.

*Itt is ordered y^t no man shallbe allowed to keepe publicke howse of entertainment for straingers or travellers, nor shall any one be a co^mon victualler, innekeeper or keeper of a cookes shopp, vintner, tavernor, or publicke seller of wyne, ale, beere, strong water, wthout allowance in some Quater Cou^te in y^e shiere where such doe dwell, vpon paine of forfeite of twenty shillings p weeke whiles they continew wthout y^e said licence; nor shall any such psons as have publicke howses of entertainment, & have licence to sell beere for not above two pence an ale quarte at home & y^e same prize abroad, vnder y^e penalty of five shillings for eu^{er}y quarte sold above y^e said prize; neither shall any such pson or psons formerly named suffer any to be druncke or drinke excessively, or continew tipling above y^e space of halfe an hower, in any of their said howses, vnder y^e penalty of five shillings for eu^{er}y such offence suffered; & eu^{er}y pson found druncke in y^e said howses, or elsewhere, shall forfeite tenne shillings, & for eu^{er}y excessive drincking he shall forfeite three shillings & fower pence; ffor sitting idle & continewing drincking above halfe an hower, two shillings sixpence: & it is declared to be excessive drincking of wyne, when above halfe apinte of wyne is allowed at one time for one pson to drinke; p^{ro}vided, itt shall be lawfull for any strainger or lodge^r, or any pson or psons in an orderly way, to continew in such howses of co^mon entertainment during meale times, or vpon lawfull buisnes, what time

their occasions shall require. It is further ordered, y^t e^vry innkeeper shall provide for entertainment of straingers horses, having an inclosure for summer, & hay & p^rovender for winter. And if any p^{er}son offend in drunkenesse, excessive or long drincking, y^e second time, they shall pay double fines; & if they fall into y^e same offence the third time, they shall pay treble fines; & if y^e p^{er}tyes be not able to pay y^e fines, then he y^t is found druncke shallbe punished by tenne stripes; & he y^t offends in excessive & long drincking, he shallbe put into y^e stockes for three howers, when y^e weather is seasonable; and if they offend the fow^eth time, they shallbe put into p^{ri}son, & there remayne till they putt in two sufficient suerties for their good behavio^r. Further, it is ordered, y^t any one magis^t w^{ithin} their seuerall shieres may heare & determine any offence or offences ag^{ainst} this order, vpon dew convic^{ti}on by veiw^e of y^e magis^t, by two wittnesses, or confession of y^e p^{er}tyes, to levy y^e said seuerall fines by a warrant to y^e constable for y^t end, who shallbe accomptable to y^e Treasurer of y^e shiere for y^e same.

1645.

18 June.

* Whereas it is found by to com^{on} & sad experience in all p^{ar}tes of y^e colony, y^t y^e forcing of laborers & other workemen to take wyne in pay for their labo^rs is a great nu^{er}sery & p^{ar}parative to drunkenesse & vnlawfull tipling, occasioning y^e private meetings of p^{ro}phane p^{er}sons, whereby youth is drawn aside to lewdnes, y^e good creatures of God noto^riously abused, y^e harts of Gods people much sadned, y^e profession of religion scandalized, & y^e word greatly dishono^red, itt is the^refore o^rdered & o^rdayned by this Cou^rte y^t no labo^rer or workeman whatsoeuer shall, after y^e publica^{ti}on & promulga^{ti}on hereof, be enforced or pressed to take wyne in pay for his labo^r. And for further p^{re}vention of y^e aforesaid eno^umities & vnlawfull tiplings & excesse of drincking, itt is hereby furthe^r o^rdayned, y^t no laborer or workeman w^{ho}soever, after y^e tenth day of July next ensewing, vnder what p^{en}tence soeuer, shall sell wyne, or make payments of any debt therew^{ith}, either by retaile or otherwise, then in y^e same peece he takes y^e same. And if any such p^{er}son or p^{er}sons shall, notw^{ith}standing, offend contrary to this o^rder, shall forfeite & loose two shillings for euery quarte of wyne so sould & disposed of.

[*32.]

Labourers not
to be paid their
wages in wine.

Itt is o^rdered, y^t certaine com^{is}sioners shall be appointed by this Cou^rte, & com^{is}sion graunted them to examine wittnesses about the French buisnes, & prepare y^e same ag^{ainst} y^e next session of this Cou^rte.

Committee on
French busi-
ness.

O^r honno^red Go^vino^r, & Le^ft Atherton, He^rbert Pelham, Esq^r, & Cap^t Cooke, M^r Saltonstall, & M^r Hau^{tho}ne are chosen & appointed com^{is}sioners, & have hereby pow^{er} to su^mon wittnesses in their seuerall shieres, & ap^{er}t to examine them & search out the truth of y^e French buisnes, as they shall see cawse, & make their reports to y^e next session of this Cou^rte.

1645.

18 June.
Secretary to
write to Narra-
ganset.

[*33.]

Major Gibbins,
orders to.

It is ordered, y^t y^e Secr^t write a letter to the Narragansetts to desist from warre on Vncus; and that another letter be writte to Benedict Arnold, to delive^r the messagge to the sacamore of the intrude's on y^e land of Pomham & Sacoronoco, to come to vs or deſte from their lands.

*Whereas yow, S^gnt Maj^{or} Edward Gibbons, are cheife millitary officer of the trayne bond of the toune of Boston, yow are by this Courte required & authorized to see the peace to be kept, both in the said toune & ha^rbor, from all hostile & mutinous attempts or insurrections; & for that end there is hereby comitted to yo^r chardge all fortificacōns wthin the said toune, & wthall y^e ordinanc & amūition to the same belonging; & yow shall alwayes have in a readines one barrell of powder for euery sixe peeces of ordinance, wth 12 shott & 5^t of match. If any shipp^s wthin yo^r ha^rbor shall quarrell, & shoote one at another, whereby the people or howses may be endangered, yow shall vse your endeavor & power to stay & suppress^e such attempts, & to bring such shipp or shipp^s vnder comānd, & to be in peace vntill the Magis^{ts} may assemble, whose further order & directions yow are to observe; & yow shall take order to have alwayes some souldie's listed, to be in a readines for any service yow shall have occaōn to imploy them in, by virtue of yo^r comission: & yow are to give notice of the tenure of this comission to all shipp^s ariving in the harbo^r from fo^raine p^{tes}, wthin 24 howers after their coming to anchor. Vpon any necessary occaōn of yo^r absence, yow shall leave yo^r leif^t, or next cheife officer, to take care of yo^r chardge. This comission to continew during the pleasure of the Cou^{te}.

The like comission is graunted to Maj^{or} Ro^{bt} Sedwicke in Charles Toune.

M^r Dunster,
farm laid out.

Wee, whose names are herevnde^r written, having layd out M^r Dunste^rs farme as followeth, viz., the land lying betweene the ponds contiguous to M^{rs} Glovers farme, being the southe^rn bounds of this farme, & running on wth the great pond, from the south esterne bounds vnto the place where it is foardeable; Sudbury line for the northwesterne bounds, & for the noth & noth esterne bounds the meadowes, to the quantity of fifty sixe ac^s, (if there be so much,) abutting on whether side soe^u a litle creeke y^t runneth into the great pond neare to the foresaid foard, & a streight lyne draune from the said creeke to Sudbury line, where it is nerest.

PETER NOYSE &
EDMOND RYSE.

M^r Glovers
farm laid out.

Wee, whose names are vnderwritten, have laid out M^{rs} Glove's farme as followeth, viz.: Sudbury lyne is the northeast bounds; y^e nothwest bounds

thereof is y^e great river, the south east bounds the river that issueth out of the great pond at Chochichowicke, the south east bounds from the place where the litle rive^r runs out of the great pond, till yow come to y^e northeast end of the said pond, & so to the northwest end of y^e litle pond, & from thence to the no^ttheast end of the said litle pond, & from thence to the nerest place of Sudbury line, according to the marked trees. This is our retou^rne of the Courts desire, this 7th 10^{mo}, 1644.

1645.

18 June.

THO: MAYHEW, PEETER NOYSE, EDMOND RISE.

*This Courte is adjourned till y^e first 4th day of the 8 month, vnlesse the Gofino^r see cawse to call the Courte sooner. [*34.]

*Att another Session of y^e Generall Courte of Elec^{ti}ons, called by Warrants, by y^e Gouno^r, y^e 12 : 6 M^o : 1645. 12 August. [*35.]

P^rSENT THEREAT, The Gofino^r, Deput^r Gofino^r, & y^e rest of y^e Asistants, wth all the Deput^s of y^e last Gennerall Cou^rte, except Lef^t Atherton, who was sent out on speciall occa^sion.

By both howses.

Cap^t Hautho^rne chosen Speake^r for y^e session.

IT was resolved on y^e question, y^t, all things considered, wee conceave ourselves bound (Vncus requiring it) to send forth ayde to him, for his defence agⁿt y^e tumultuous & iniurious inroads of y^e Narragansetts on him & his.

By both howses.

M^r Speake^r, Major Gibbons, Cap^t Cooke, & Cap^t Jennison are chosen a committee to treat wth o^r honno^red Magis^{ts} about the illegallity of y^e comission^{rs} p^{ro}ceedings in p^{re}ssing o^r men beyond lawe & wthout rule ; & to moove y^t ye comander of those forces have his comission from y^e Gennerall Cou^rte only.

Committee on impress^{ed} men.

Itts ordered, that there shallbe a military watch in all townes, & y^t o^r honno^red maj^{or} gennerall issue out his warrants to all millitary office^s therefore.

Military watch es established. By both howses.

Itts resolved vpon y^e question y^t y^e psse lately chardged and issued out vnder y^e hands & by y^e power of y^e comission^{rs} of y^e Vnited Collonyes is illegall.

Pressing men illegal.

The Howse of Deput^s voted, y^t y^e comission & instruc^{ti}ons signed by y^e comission^{rs} shall, by virtue of this o^rder, be y^e comission & instruc^{ti}ons to be comitted to Lef^t Humfry Atherton & S^rg^{nt} Davies, as cheife comande^s of y^e forty sent forth to ayd Vncus in his defence agⁿt y^e incu^sions of y^e Narragansetts on him ; signed by y^e Secre^t, & sent to y^e said lef^t.

Orders to Lieut Atherton.

1645.

12 August.
Inquiry re-
specting sol-
diers to be
raised.

[*36.]

300 men to be
raised.

The Howse of Deput^s desire to vnde^rstand, from o^r honored Magis^te, what number of souldie^s y^e propo^{ti}on of this collony doth amount to for this p^rsent expedic^on ; 2^{dy}, what time is thought most fitt for their going out ; & 3^{dy}, how these souldie^s shall be furnished wth armes, &c ; & 4^{tly}, what y^e chardge of this expedic^on will amount vnto, y^t so y^e readiest way maybe taken, & order made for y^e expediting thereof ; also to vnde^rstand wther o^r honored Magis^ts conceive it not necessary y^t there should be a genne^rall o^f all y^e forces in y^e service to be employed, & if so, then who he is.

*The answer of y^e Magis^ts retourned is, y^t y^e co^mission^s of y^e Vnited Collonyes have deter^mined y^t y^e whole number of souldie^s to be p^rvided for y^e p^rsent expedic^on in all y^e fower collonyes is 300 ; whereof o^r p^rte for y^e Massatusetts is 190 of this number, there being already sent 43, & 2 to attend & bring backe y^e ho^rses. The number now to be p^rvided is 147.

The time appointed for them to sett forth is y^e 22th of this moneth, at furthest.

The randevous is thought fittest to be at Boston ; that e^ury souldier is to be sent ready armed, wth muskett, sword, bandaleers, & knapsacke, or a carabyne & halfe pike, & knapsacke & some corslett, & cotton coates, & some horses.

By both
howses.

Itt is ordered, y^t y^e levy y^t shall be issued out of this Cou^rte for this expedic^on shall be y^e same, viz., 616^t 15^s, & p^rpor^{ti}oned as y^e fo^rme^r rate was.

Guards to be
kept against
the Indians.

By both
howses.

Forasmuch as this Cou^rte vpon good grounds conceive it a matt^r of great conce^mment to secure (w^t in them lyes) all tounes wthin this collony ag^ast y^e expected incu^rsions of y^e Indians, it is therefore ordered, y^t y^e cheife military office^s of e^ury company shall wth all dilligence take order y^t there be a daily warde kept vpon y^e out skirts of their se^uitt tounes y^t lye wthin their se^uitt chardges, & y^t they send out carefull & daily scouts for y^e rainging of y^e woods vpon y^e borde^s of their se^uitt tounes ; y^e chardge to be given to y^e said warde or scouts, & y^e mannaging of this buisnes be left to y^e faithfulness of y^e said cheife military office^s ; & it is further ordered, & power is hereby given to such military office^s to p^resse such & so many ho^rses wthin y^e limitts of their chardges as they shall see necessary for y^e carefull dischardge of this daily service. This to stand in force till y^e Courte or y^e counsell of this co^mon weale shall take further order, p^rse^rving y^e farmes asmuch as may be.

Scouts sent
out.

Edw^d Gibbons
to command
the forces.

The co^mission^s of y^e Vnited Collonyes, having considered of S^rgn^t Major Edward Gibbons as a p^rson fitt to be employed in cheife co^mand o^ur all such forces as are now to be sent forth from all y^e collonyes, in ayde of y^e Mohegin sachem, have thought fitt to signify so much to yow, y^t if yow shall not advise vs of any thing w^{ch} may be a just impediment herevnto, wee may p^rceede to

give him a full call to y^e service; & wthall it is desired if yo^r thoughts concurr wth ours, yow will please to spare him from *attending on y^e buisnes of this Courte, y^t he may p^repare himself to be ready for y^e employment he is now to be called to.

1645.

12 August.
[*37.]

This Courte, considering y^e dayly excersise wth y^e seuerall townes wthin this collony are like to have by reason of y^e p^resent warre wth y^e Indians, & accounting it to be wthin y^e care of y^e Courte to p^rvide for y^e safety of e^vry p^rte as well as y^e whole, it is therefore ordered, & heereby power is given to y^e cheife comāder of e^vry company to appointe out & to make choyce of thirty souldie^rs of their companies in y^e hundred, who shallbe ready at halfe an howers warning vpon any service they shallbe putt vpon by their cheife military officer^s. And it is further ordered, y^t y^e trayne souldie^rs of e^vry company shall forthwth p^rvide themselves to be ready, wth their armes ready fixed, & y^t they have powder, bullets, match, & bandaleeres alwayes ready, according to former order; as also y^t e^vry souldier p^rvide himself a knapsacke, to be in a readines vpon any service they shall be called to at or before y^e 25th of y^e p^resent 6^m. And if after y^e p^refixed time any such souldier shallbe wanting of a knapsacke, y^t then y^e clarkes of y^e bands wthin their seuerall companies have hereby power, & are hereby required, to distreine to y^e vallew of five shillings vpon y^e goods of all such as shallbe found to be defective herein, who shall wth p^rte of y^e said fine p^rvide y^e said delinquent a good knapsacke, & y^e clarke shall have the rest for his paynes.

Soldiers to be
in readiness in
case need.

Penalty if def-
cient.

To y^e s^rveyo^r gennerall of y^e a^munition.

By y^e authority of y^e Gennerall Courte, yo^w are heereby required to p^rvide forthwth a sufficient quantity of muskett bullets, pistoll bullets, & swanne shott, & match; & if yow have not in store leade & mould for casting y^e same, y^t then yow take vp so much lead, pis^toll bullets, & swanne shott, & match, where yo^w cann finde y^e same, as may se^rve y^e occa^sion, giving to y^e owne^rs seuerall ticketts, whereby they may receave dew satisfac^on from y^e Treasu^rer, according to y^e rates for w^{ch} such things are sould in y^e shoppes or warehowses in Boston; for w^{ch} this shall be yo^r sufficien^t warrant.

Surveyor gen-
eral, orders to.

*Major Edward Gibbons is chosen comāder in cheife o^ur all y^e forces to be sent out by y^e Vnited Collonyes, by y^e comissioner^s. The Howse of Depu^ties, according to their desires, have dismissed y^e majo^r from his attendance on y^e buisnes of this Courte, y^t so he may the bette^r p^repare himself for y^e discharge of y^e place he is called to.

[*38.]

Maj^r Gibbons
to review the
troops and
command
them.

The comissioner^s, having considered y^e necessity of sending vessells to y^e

1645.

12 August.
Vessels to convey troops to Narragansett.

Narragansetts, w^{ch} will require more men then the comānde's in this service are willing to spare out of their land forces, desire y^t such as are to be sent in y^e said vessells may be an ouer nomnber, & y^e chardge to be answered by the whole confederacōn; & if neede require, there shall be an ouer nomnbe^r proportionably sent out of y^e other collonyes. The comiissione's desire y^e Genne'all Cou^rte to approove hereof. Voted & consented to by both howses.

Mr Lile chirurgeon.

Mr Lile is appointed chiru^rgion for y^e souldie's y^t are to be sent forth in y^e expediōn vnder y^e comand of Major Edward Gibbons.

Edmond Goodenough, on his request, grounded on y^e tounes speciall occasions, is dismissed this Cou^rte.

Lieut Atherton to command 40 men.

Itt is o^rdered, y^t Left Atherton be comānde^r in cheife ouer ye fforty sent forth wth him, when o^r forces meete vnder Major Gibbons, as cheife comānde^r o^ur y^e whole forces.

Corn & hay, soldiers to assist in saving.

Whereas some of those souldie's w^{ch} have binn sent forth already in y^e p^rsent expediōn, & others who are soone to be sent forth, have themselves, or their m's or paren's, wth whome they lived, some co^rne & hay to be cutt doune & p^rserved, w^{ch}, by reason of their absence, will be in dainge^r to be lost, if care be not taken for y^e same, its therefore ordered, & y^t in eūy such case y^e constables of y^e tounes, vpon request made to him by y^e p^rtye, shall p^rcure so much helpe of men, if voluntarily they may bee had, or otherwise by imp^rse, as shall p^rforme so much of such worke as such souldier, if he had stayd at home, might have donne in y^e inning & p^rse^rving such corne or hay, y^e p^rty paying y^e ordinary wages for y^e same; for w^{ch} this shallbe a sufficient warrant.

[*39.]

By both howses.

*Mr W^m Pellam being nominated to this Cou^rte, by y^e toun of Sudbury, for their capitaine, & Edmond Goodenow as their ensigne, were both accepted & confirmed in those places by this Cou^rte.

R. Fairbanks's account.

A bill of sixty & nyne pounds eighteene shillings & five pence, being p^resented to this Courte by Rich: Fairbanks, of many p^rticule's as dew to him from y^e country, is accepted by y^e Courte for a debt of sixty three pounds nyne shillings, & c, dew to y^e country from Mr Edward Ting, so far as it appears to be just by y^e examinacōn of y^e s^rveyo^r genne'll & W^m Parks.

Gov^r and counsel to call the Deputies, when necessary.

This Cou^rte, having taken into consideraōn how the necessary affaires of this iurisdicōn, whether they conce^rne this peculiarly, or have reference to y^e rest of o^r confederated collonyes, may be dewly & speedily transacted in y^e vacancy of y^e Genne'all Cou^rte, for y^e satisfacōn of y^e comiissione's, in respect of y^e weighty & suddayne occaōns in hand, doth expresse, y^t y^e Genne'all Courte ought to be called by y^e Gou^rn^r when y^e importance of y^e buisnes doth require it, & y^e time & optunity will safely admitt y^e same; and y^t all other necessary mat^tes are to be ordered & dispatched by y^e major p^rte of y^e councill

of y^e comon wealth, & therefore to y^t end lette's signifying breifely y^e buisnes & y^e time & place of meeting for consultacon ought to be sent vnto y^e Asis'tan's. Also, y^t seven of y^e said Asis'tan's meetings & y^e Gou^r, or Depu^{ty} Gou^r, being one, is a sufficient assembly to acte, by pssing of souldie's or otherwise. And in case of extreame & vrgen^t necessities, when endeo's are reasonably vsed to call y^e Assis'tan's together, & y^e buisnes to be dispatched will not admitt delay, then y^e ac's of so many as doe assemble are to be accomp'd valid & sufficent. Itt is intended y^t y^e gennerall words above written contayne in them power to p'sse & send forth souldie's, & presse all manne^r of victualls, vessells, & carriages, & all other necessaryes, & to send warran'ts to y^e Treasurer to pay for them.

Itt is ordered, y^t Lef^t Tory be cheife millitary office^r in Hingham, & to acte as othe^r cheife office's till furthe^r orde^r.

1645.

12 August.

*A note of p'ticule's agreed on of what will be needfull for the p'sent expedi^{con}, for the suply of 200 men. [*40.]

Imprimis. Bread, tenne thousand ;
 Pease, three hogsheads ;
 Beife, 6 hogsheads cutt into messe peices ;
 Fish, tenn kentalls ;
 Oyle, tenne gallons ;
 Vinegare, one hogshead ;
 Strong water, one hogshead ;
 Bea^re, one tunne ; (wyne, at pleasure ;)
 Oatmeale, one hogshead ;
 Flower, two hogsheads ;
 Butte^r, sixe firkinges ;
 Raysons of y^e sonne, two ba^rlls ;
 Suga^r, ½ c^t ;
 Candells, one duzen ;
 Hatchetts & axes, one duzen.
 Spades & shovells, thirty ;
 Pick axes, sixe ;
 Ketles, sixe, for boyling ;
 Platte's, thirty sixe ;
 Payles, tenne ;
 Cannes, tenne, or potts, twenty ;
 Salt, one hogshead ;
 200 fathome of codlyne.

This Cour^{te} is adiouⁿed to the first 4th day of the 8 month next.

1645. **Att y^e last Session of y^e Gennerall Cou^rte of Elec^tions, begunne the
2^d of October, 1645.*

2 October.

[*43.]

P^rSENT THEREAT, The Go^vno^r, Depu^t Go^vno^r, wth y^e rest of y^e
Asistants, M^r Pinchon excepted, wth all the Depu^ts, Cap^t
Wyggyn excepted, & y^e Depu^t of Boston.

CAP^t Geo^rge Cooke, a member of y^e Howse of Depu^ts, was chosen
Speake^r for y^e howse for this session.

By both
howses.

Le^f Atherton & W^m Parkes are appointed a co^mitte^e to examine all
such bills as are for y^e expence of souldiers, & others of like nature, before
they be subscribed for by y^e Treasurer.

Cap^t W^m Jennison, being to goe for Virginia, at his request was dis-
missed y^e service of y^e Cou^rte.

Le^f Willard, on y^e peti^cion of y^e inhabitant's of Conco^d, was dismissed
for ffu^rther attending on y^e service of this Cou^rte for this session.

By both
howses.
Robert Bridges
appointed to
negotiate with
the French at
Acadia.

Whereas Cap^t Rob^t Bridges is thought a meete pson by both howses, &
by them imployed to negotiate wth Mounsieu^r De Aulnay, knight, le^f gen-
nerall for y^e King of Franⁿce, in y^e pvince of Accadye, on y^e speciall affaires
of y^e co^missione^rs for y^e Vnited Collonyes, itt is ordered, y^t Cap^t Rob^t
Bridges shall have two men, such as he shall make choyce of, & are willing
to goe wth him, who may accompany him in y^e service y^e country hath called
him vnto; and that he shall have a youth to attend on him as a page in his
chamber, & all on y^e chardge of y^e countrye.

Instruc^tions agreed vpon by both howses ffor Cap^t Rob^t Bridges to obse^rve in
his negotiation.

Instructions
for him.
By both.

1. Yow are to deliver y^e letter & other wrightings vnder y^e hands of y^e
co^missione^rs to Mounsieu^r De Aulnay.

2. Yow are to shew him yo^r co^mission.

3. Yow are to desire him to signe to y^e artickles of peace in a like
wrighting, w^{ch} he may cawse to bec drawne vp, w^{ch} if he shall, on considera-
tion, refuse, then yow are to know what ans^r he will retourne.

4. Yow shall declare to him how carefull wee have binn to keepe ye
artickles of agreement wth him, in that wee wholly refused to affo^d Mounsieu^r
La Tou^r any ayde, & did what lay in vs to restraine *volunteers, w^{ch} occa-
c^oned him to leave vs when he did.

[*44.]

5. For sending home his ladye, yow may assure him it was not our act;
nor had wee reason to hinder it, seing it was most meete for hir to be wth hir

husband: & for the charge of his transportation, that w^{ch} was received of Cap^t Bayly was more then sufficient, both for that & for his expences here.

1645.

2 October.

6. If he shall desire any explanation, addition, &c, about y^e articles of peace, you shall desire him to sett downe his minde in writing, & you may promise him it shall be considered, & w^{ts}oeuer is just & reasonable shall be granted.

In ans^r to y^e petition of Joseph Hills, in behalfe of M^r Thomas Marsh, of London, for satisfaction for an adventure of 33^l 06^s, itt is ordered, y^t y^e petitioner shall have so much land where he can finde a convenient place, as his adventure, according to y^e proportion agreed on for such adventures.

T. Marsh to have land granted.
By both howses.

M^r Allen & Sam: Basse, on their urgent occasions, are dismissed from y^e service of y^e howse till y^e 2^d day at one of y^e clocke, & so also is Le^f Ather-ton to y^e like time.

Allen & Bass excused.

In ans^r to y^e petition of Jo: Hill, S^rg^{nt} Jo: Davies, Jo: Chandler, Isaack Walker, & Mathew Barnes, James Cutler, &c, in relation to Nashaway plantation, itt is ordered, y^t Jo: Hill, S^rg^{nt} Davies, Jo: Chandler, Isaack Walker, & Mathew Barnes, or any three of them, shall have pow^r to sett out lotts to all y^e planters, provided they sett not their howses to farr asunder; & y^e greater lotts to be proportionable to mens estates & charges; & y^t no man shall have his lott confirmed to him before he hath taken y^e oath of fidelity before some magis^t.

By both.
J. Hill & others to lay out lots.
Nashaway, now Weston.

In ans^r to y^e petition of Geo^rge Hepbou^{ne}, Tho: Buttolph, James Johnson, Nath W^{ms}, Geo^rge Clyfford, Tho: Goulbe, glo^{us}, ag^{nt} y^e transportation of goat skynnes vndressed, itt is ordered, y^t Ralf Woory shall have liberty to transport 8 dozen of goat skinns, w^{ch} he affirms he hath already sold, to be d^d into England, & y^t for y^e time to come, if he or any o^rher shall shipp any to be transported out of this jurisdiction, vnless they be dressed & made into gloves or other garments, all such skynnes shall bee forfeited to y^e common wealth, or y^e valew thereof if the skynnes cannot be found.

Goat skins not to [^] shipped undressed.
By both.

Att y^e request of y^e inhabitants of Dedham, M^r Wheelocke is appointed, & hereby hath commission granted him, to marry people there that are dewly published.

*Whereas Cap^t Rob^t Bridges is employed by this Courte to negotiate wth Monsieur De Aulnay, knight, le^f genne^rall for y^e King of Fraunce, in y^e prvince of Acadye, on y^e speciall affaires of y^e commissions of y^e Vnited Collonyes of New England, in a vessell of [^] [^] whereof M^r Allen is m^r, theis are therefore to require all psons of this jurisdiction to be assistant to him as neede maybe, & to desire all other our loving neighbors to affoord him such curtesies as occasion may call for, & wee shall be ready to requite them wth the like when

[*45.]

By both howses.
Robert Bridges passport.

1645.

2 October.
Committee on
roads.

By both
howses.

By both
howses.

portunity shall serve. In testimony whereof, I, Thomas Dudley, Goſn^r of y^e Massatusetts, have caused y^e publicke scale of o^r collon^y to be hereto affixed.

Leſt Tory, Leſt Athirton, & Stephen Kingsly are appointed by this Cou^rte to vieu y^e neeres^t way betweene Dorchester & Weimouth, & to retouⁿe their thoughts to y^e next sitting of y^e Genne^rall Cou^rte.

Alia innp^ræsentiarum non datura scribendi occatio, nisi vt delagatorum fædaratarum No: Ang^t coloniarum intentionem tibi inscriptis secundum pactum exhibe^re, et vestram. Ittidem (si modo placet) pacis inchoatæ confirmationem recipere possimus in quem finem gennerosum hunc nobis charissimum ducem Robertum Bridges ad te delegatum velimus p^r quem etiam actiones et intentiones nostræ tibi clarius innotescere queant quam ante hac fo^rsan ex fama mendaci ppisce^re possis vestrum quoq^{ue} in nos animum, quod ab alijs et videre possit hactenus non intelligimus, a te metipso p^r quierere instructus est quibus vtrinq^{ue} p^rspectis et queritionibus et offensis quibus tunq^{ue} tempore optuno secundum delagato^rum p^rpositionem ex æquo compositis pacis hinc
ex mutua benevolentia et omnibus vicinitatis officijs vtriq^{ue} genti ad bonum fructum redundare possis.

By both.
J. Glover, farm
confirmed to
him.

In ans^r to y^e petiçōn of y^e children, executrix, & oſseers of y^e last will & testamen^t of M^r Thomas Newbe^ry, late of Dorchester, deceased, for y^e confirmation of y^e ffarme of y^e said Thomas Newbe^ry to M^r John Gloū^r, of Dorchester, of whom they acknowledged to have received full satisfaccōn; in consideraçōn whereof their petiçōn is ffully graunted, & y^e ffarme confirmed to y^e said Jō Gloū^r & his heires.

7 October.

The Cou^rte is adiourned till y^e 7th day of this instan^t mō, at one of y^e clocke, at w^{ch} time y^e Cou^rt met againe.

Vpon a petiçōn of Rich: Saltonstall, Esquier, for justice to be donne on Cap^t Smith & M^r Keysa^r for their iniurⁱous dealing wth y^e negroes at Gynnye, y^e petiçōn was graunted; & ordered, y^t Cap^t Smith & M^r Keisar be laid hold on & comitted to give an^r in convenient time thereabouts.

[* 46.]

By both
howses.
Commission^{rs}
to form a code
of laws.

*Whereas this Cou^rte, in a fo^rme^r session, chose & appointed seuerall honno^red membe^rs of this comōn weale, as comiſsioners in their seuerall shieres, to meete together in some convenient place wthin each shiere, to consult together, & to retourne to this Cou^rte a result of their thoughts, that this Cou^rte may pceed therevpon to satisfye y^e expectaçōn of y^e country in establishing a body of lawes, this Cou^rte thinkes it meete to desire the psons in that order mençōned, M^r Bellingham being added to them for Suffolke, M^r Symonds in his roome for Essex, M^r Joseph Hill in Cap^t Cookes roome, M^r Knowles in M^r Allens roome, & M^r Glover in M^r Prichards roome, & y^e care of calling each

comittee in Boston for Suffolke, in Ipswich for Essex, & in Cambridge for Middlesex, to M^r Bellingham for Boston, M^r Pellam for Cambridge, & M^r Symonds for Ipswich, to their seuerall meetings for y^e accomplishen^t of that end so desired, & to make their retourne of what they shall doe herein to the next sitting of the Gennerall Cou^rte.

1645.

7 October.

In ans^r to y^e peti^cion of W^m Davies, sonne to W^m Davies, deceased, vpon the acknowledgmen^t of John Coudall & Mary his wife, being fully satisfied for a bargaine of sale of a certaine howse in Boston, wth two acke^s of land, in that lease largely appeareth, his peti^cion was graunted, & the said house & lands confirmed to him, y^e said W^m Davies, & his heires fo^reu^r.

W^m Davis
petition.
By both
howses.

In ans^r to y^e peti^cion of W^m Wilson, keeper of y^e p^rison, itt was graunted that the sixe yards of trucking cloth sent wth the attend^{nts} of Cap^t Bridges

By both
howses.

Itt is o^rdered, y^t M^r Joseph Cooke shall, in y^e absence of Cap^t Cooke, take care of y^e company of Cambridge till y^e Cou^rte shall take further order, & y^t on y^e tounes request, John Stedman be establish^t ensigne to the company there.

By both
howses.

Itt ans^r to y^e peti^cion of seuerall inhabitan^{ts} of Marble-head, itt was graunted y^t Arthu^r Sandyn should have liberty to sell wyne there.

By both
howses.

Forasmuch as this Cou^rte hath fo^rme^{ly} graunted that there should be a village vpon Ipswich River, att or nere a place called the New Meadowes, & forasmuch as certaine of the inhabitan^{ts} of Ipswich who have farmes imp^{ved} neere therevnto, & doe desire that a minis^{ter} might be settled there to dispen^{ce} the word to y^e p^{se}nt inhabitan^{ts} & such othe^rs as shall plan^t themselves at the said village, whom yett, no^twthstanding they are no wayes able in any comfo^rtable manne^r to maintaine a minister, & doe defray other necessary chardges of y^e place, if wthall they should be liable to all other rates & publick chardges of y^e toun^e of Ipswich, this Cou^rte doth therefore hereby order, that either the whole toun^e of Ipswich shall æqually contribute (wth such of their inhabitan^{ts} as have lands in or neere the said village) to the maintenance of a minister & all other publick chardges incident to such a village; or else y^e aforesaid inhabitan^{ts} that have lands nere the said village, & shall contribute to y^e maintenance of a minister there & other necessary chardges, shallbe freed from all manner of rates, chardges, or contributions to the toun^e of Ipswich for their land & stocke in or belonging to y^e said village.

Village vpon
Ipswich River.
By both
howses.

Itt is o^rdered, y^t Straweberry Bancke & Dover be sen^t to for what they stand indebted to y^e country for their depu^{ts} diett & Cou^rte chardges, & cou^rse taken for it.

*In ans^r to y^e peti^cion of S^r Rich^d Saltonstall, for seuerall so^mes of mony [*47.]

1645.

7 October.

By both
houses.
R. Saltonstall's
petition.

wh^{ch} he fo^rme^rly laid out for the vse of this country, itt is ordered, y^t for five barrells of powder he sen^t hither he shallbe allowed thirty pounds, ffor monyes paid to M^r White & M^r Ballard fiffity pounds, ou^t of wh^{ch} is to be deducted nyne pounds y^t Rob^t Saltonstall hath had; and for his monyes put in as his adventure he is to be allowed his just ppor^{ti}on of lands, as other adventurers & unde^rtakers have vpon peti^{ti}on to this Courte: for his mony deliuered to Pont, y^e Cou^rte seeth no cawse to allow it.

W. Hawthorne
petition.
By both.

In ans^r to y^e peti^{ti}on of Cap^t W^m Hauthorne ffor 250 ac^{es} of land to be adioyned to Majo^r Genne^rall Endecotts farme, at y^e west end thereof, so as he p^{ro}ue y^e consent of y^e inhabitan^{ts} of Rowley, in whose bounds it is, ffor wh^{ch} itt is o^rdered, y^t they shall have liberty to take so much land in some other place at the end of their 8 miles.

By both.
Jurymen oath.

The oath for y^e ju^ry for life & death agreed on by both houses.

Yow doe sweare by the great name of y^e Almighty God, y^t yow will well & trewly try & trew deliuerance make of such p^{ri}sono^rs at y^e barre as yow shall have in chardge, aco^rding to yo^r evidence. So help yow God.

D. Gov^r, re-
quest of.
By both.

Itt is o^rdered, on y^e request of o^r honno^red Dep^{ut} Gov^{nr}, y^t y^e 50^t fo^r me^rly graunted him for his service in y^e place of Gov^{nr}, anno 1642, be paid him out of the treasury, deducting 5^{ts} ffor Katharine, one of y^e maids brought ouer on the countryes stocke.

J. Gonklyn.
By both.
Petition of
glassworks
men.

In ans^r to y^e peti^{ti}on of John Conklin & Annanias Conklin for the neglec^t of the vndertakers of y^e glasseworke these 3 yeeres past, either to be free to p^{ro}vide for themselves or to leave it of in regard of y^e public^q interest, their request is graunted, provided that if any of the p^{ar}ties interes^{ed} shall, vpon timely notice, shew cawse at y^e next Q^{ue}r^t Courte at Boston, wherevpon y^e magis^{ts} shall judge it æquall that the cawse should have further hearing, then the full an^{sw}r & determina^{ti}on of this peti^{ti}on shallbe deferred to the next Gen^{er}all Cou^rte; otherwise the peti^{ti}one^rs shallbe at liberty, according to their desire.

By both.
Commissioners
in England.

Itt is ordered by this Cou^rte, that Rich^d Saltons^tall, Esq^r, & Cap^t George Cooke shallbe joyned wth M^r Pocoke & other o^r co^mission^{rs} in England, in negotiating for vs before y^e right honno^rable the Earle of Warwicke & the rest of the co^mission^{rs} for planta^{ti}ons, &c, or before the high Cou^rte of Parliamen^t, if occa^{si}on require, concerning the 2 late graunts or charte^rs for gou^{er}nment^t or iurisdic^{ti}on in the lands adioyning to the Narragansett Bay.

A copy of a letter sent to Mr W^{ms}, of Providence.

1645.

S^r, wee receaved lately ou^t of England a charter from y^e authority of y^e high Cou^rte of Parliamen^t, beareing date 10th Decembe^r, 1643, whereby y^e Nar-ragansett Bay, & a certaine tract of land wherein Providence & y^e Iland of Quidny are included, w^{ch} wee thought *fitt to give yow, & other our country men in those p^{ts}, notice of, y^t yow may forbear to exerceise any jurisdic^{ti}on therein, otherwise to appeare at our next Genne^rall Cou^rte, to be holden the first 4th day of y^e 8 month, to shew by what right yow claime any such jurisdic^{ti}on; for w^{ch} purpose yo^rself & other yo^r neighbo^rs shall have free liberty to come, stay, & retourne, as the occa^{si}on of y^e said buisnes shall require. Dat^d at Boston, in y^e Mattatusetts, 27: 6 m^o, 1645. To Mr Roge^r W^{ms}, of Providence, by o^rder of y^e counsell.

7 October.
By both.
Letter to Mr
R. Williams,
Providence.
[*48.]

INCREASE NOWELL, Sec^r.

In ans^r to a peti^{ti}on of seuerall inhabitants of y^e toune of Braintree, ffor y^e app^{ro}ba^{ti}on of this Cou^rte, to goe & plant a toune in y^e place where Mr Go^rton did live, itt was graunted, so as they take not vp above 10000 ac^s; & that seven be freemen, to dispose of toune affaires, & that they build tenn howses there wthin this twelve months.

By both.
E. R. cont. di-
cens.
Braintree
inhabitants
petition.

A lette^r to Mr W^{ms}, of Piscataq.

Boston, y^e 14th 8 m^o, 1645.

14 October.

Mr W^{ms}: Y^e Cou^rte, vnderstanding y^t y^e negroes w^{ch} Cap^t Smyth Smith brought were fraudulen^{tly} & iniuriously taken & brought from Gynny, by Cap^t Smiths confession, & the rest of y^e company, doth resolve to send them backe, & therefore doe desire y^t the negro w^{ch} yow had of Cap^t Smyth be forthwth sent hither, that he maybe sent home wthout delay. If yow have ought to alleadge why yow should not retourne him, to be disposed of by the Cou^rte, itt willbe expected yow should forthwith make it appeare, either by yo^rself or yo^r agent^t, but not to make any excuse or delay.

By both.
Letter to W^m
Win.

Vpon y^e peti^{ti}on of Mr Stephen Winthrop & Cap^t Joseph Weld for the country to beare their chardges, & save them harmelesse in y^e suite betweene Alderman Barkly & them, wth respec^t to a judgm^t here recouered ag^{nt} the said alde^rman for y^e Lady De la Tou^r, itt was answered, that there should be a ce^rtificate of the truth of y^e Cou^rts p^{re}cedings in y^e suite, & leave them to their lawfull remedy ag^{nt} the said Alderman Barkley.

Stephen Win-
throp peti^{ti}on.
By both.

In ans^r to y^e peti^{ti}on of Mr Thomas Foule, for y^e countrye to beare his chardges for Alderman Barkley staying his shipp, wth rela^{ti}on to y^e judgm^t ag^{nt}

By both.
Tho^s Foul's pe-
tition.

1645.

14 October.

R. Turner petition.

By both.

y^e said alderman, the Cou^rte ans^rd him as they did M^r Winthrop & M^r Weld, as above.

In ans^r to y^e peti^cion of Rob^t Turner, for his debt dew to him, itt is ordered, y^t he shallbe allowed after 8^t p cen^t for forbearance, & y^t he shall have a warrant to the Treasu^rer to make good & speedy payment of y^e whole.

By both.

R. Saltonstall acc^t settled.

Itt is ordered, y^t M^r Rob^t Saltonstall, giving an full acquittance to y^e Secr^t for what debts are dew to S^r Rich Saltonsall, y^t he receaves by virtue of his fath^rs letter of atto^rney to him, shall have what is allowed by y^e comⁱtee, so as, before he receive satisfac^cion, he pay his fine of 10^t for his grosse abuse; the audito^r signing him a bill to the Treasu^rer for it.

[*49.]

By both.

M^r Stoughton to give security.

*Itt is ordered, y^t if M^rs Stoughton bringe two sufficien^t men, or more, to answer the count^y for what hir late husband stands indebted to the country to y^e satisfac^cion of y^e audito^r genne^rall, shee shallbe dischardged therefrom by y^e audito^r.

By both.

Arms to be sold.

Itt is o^rdered by this Cou^rte, y^t y^e s^rveyo^r genne^rall shall hereby have powe^r to sell all y^e count^yes armes vnto any pson o^r psons inhabiting wthin this jurisdic^cion, he giving an accompt for what he shall sell vnto y^e audito^r genne^rall.

By both.

Itt is ordered, y^t y^e associats of y^e Cou^rts at Salem & Ipsuich, for y^e time being, shall continew as associa^{ts} till this Cou^rte take further o^rder.

18: Octob.

18 October.

Castle repairs. Towns fined, if neglected.

By both.

The Cou^rte, not taking it well, y^t y^e Castle is & hath binn so long neglected by y^e se^ru^ll tounes y^t vndertooke the finishing thereof, doe o^rder, y^t if, by the last of this instant month, the toun^e of Boston finish not y^e p^rte w^{ch} belongs to them at y^e Castle, as hanging of y^e gates, o^r elce they shallbe fined twenty pounds, & for e^vry day y^t any thing w^{ch} belongs to be donne by Boston, & is not donne after that day, they shall fo^rfeite five povnds a day mo^re; & so for Do^rcheste^r, Charles Toun^e, & Cambridge, w^t worke socⁱl belongs to any of them to doe, & is not donne wthin this fortnight from this day, to be fined twenty pounds a peece, & five pounds a day for e^vry day y^t any thing belonging to any of those tounes are vndonⁿe, or not finish^t after that time.

Committee to audit accounts.
By both.

Itt is o^rdeded, y^t M^r Hibbings, M^r Sparhawk, & Edward Rawson shall audit y^e accom^{ts} of M^r Downing & Maj^r Nehemiah Bou^rne for y^e debt w^{ch} y^e last yeere M^r Downing was qu^estioned for, if it maybe in y^e sitting of y^e Cou^rte, or els before the shipp goes away for England; & they have hereby power to summon them, & appoint the time of meeting for y^t end, & either

to signe him or them a bill to the Treasu^rer, if any thing be dew to him or them from y^e country, or to vse all y^e meanes they canne, or y^e lawe affoord^s, to peue wth dew to y^e country from him or them, as shall appeare.

1645.

18 October.

*Itt is orde^red, y^t y^e somme of sixty pounds, w^{ch} y^e Depu^ts engaged themselves to pay to James Penn in mony, wheate, beavo^r, barly, or catle, y^e same not being p^{er}formed, shall forthwith be paid by y^e Treasu^rer, aco^rding to y^e said engagement.

[*50.]

By both.
J. Penn,
money to be p^d.

The Cou^rte, being often troubled wth y^e suits of p^{er}ticule^r p^{er}sons, doe orde^r y^t M^r Smith shall pay twenty nobles for y^e defraying y^e chardge of y^e Courte in y^e hearing of his cawse, & y^t y^e toune of Ipsuich & y^e peti^{ti}on^s of y^e New Meadows shall pay five pounds for y^e time their cawse tooke vp in this Cou^rte; ffifty shillings y^e toune, & ffifty shillings y^e peti^{ti}on^s; & y^t Water-toune shall pay ffifteene pounds for y^e time their cawse tooke vp y^e last Cou^rte.

By both.
M^r Smith to
pay Court
charges.
Watertown.

Nicolas Symkins, swo^rne, saith y^t he carryed to y^e Castle three peeces of ordnance in a lighter, for y^e countrys vse, whereof one was a sac^{re}, w^{ch} M^r Bellingham sayd was his oune, & some of y^e people said y^t it was M^r Bellingham gu^{ar}de; this was a te^m yer^es agonne. Deposed before Tho. Dudley, Go^v, 21 Octob^r, 1645.

M^r Bellingham
to have a gun.

Itt is orde^red, y^t y^e s^{er}veyo^r genn^{er}ell deli^uer the same or y^e like gunne to M^r Bellingham.

By both.

In ans^r to y^e peti^{ti}on of Em: Downing, Nche: Bou^rne, Rob^t Seduⁱke, Tho: Foule, wth others, for y^e abrogac^on or alte^rac^on of y^e lawes ag^{ai}n^t y^e Anabap^ts, and y^t lawe y^t requires speciall allowance for new come^rs residing here, itt is orde^red, y^t y^e lawes in y^r peti^{ti}on men^{ti}oned shall not be altered or explayned at all.

Anabaptist
laws to be in
force.
By both.

For y^e bette^r defraying the great chardges y^t necessarily attends the public^q occa^{si}ons of this co^mon weale, w^{ch} by all is desired to be lessened as much as may be, itt is orde^red, y^t eu^{er}y p^{er}son that shall receave any wyne from any vessell a shore on any p^{ar}te of this iurisdic^{ti}on shall pay to the office^rs appointed to receave it, for euery butt of sacke 10^s, & so p^{ro}por^{ti}onable for lesser vessells; & for euery hogshead of French wyne two shillings sixe pence, & so p^{ro}por^{ti}onable for lesser vessells, wthin sixe dayes after his receipt^h thereof, either in mony, good ma^rchantable bevo^r, or in the bes^t of y^e same wyne, at the marchan^ts prize. And if there be any p^{er}son that shall not, wthin fower dayes after the receipt of any wyne a shore, enter the same into the booke of the said offic^r, or his depu^t, so much as shallbe found or p^{ro}ooved to be receaved, & not entered into y^e said office^rs booke, shall be forfeite to the sole vse & benefitt of y^e country & officer; halfe to the country, & halfe to y^e

Wines, duty
on.

[*51.]

By both
howses.

1645.

18 October.

G. Carpenter
petition.

officer, or the worth thereof in like good pay, as before; & all former orders for any rule or imposition upon wyne be invalid, & hereby repealed.

Vpon a petition of M^r Gilbert Carpenter, for a review of the reprisall of his shipp, presenting new evidence, his petition was graunted, the case heard, & y^e evidence examined. Vpon all wth ^ ^ ^

[The remainder of this page and page 53 blank.]

[*53.]

S. Shepard ex-
cused.By y^e Depu^{ty}.Fines to be
paid.

*M^r Samuell Shep^d, being to goe for England, at his request was dismissed from further attending on the service of y^e Cou^{rt}e.

Itt is ordered, whoeuer is fyned by the Howse of Depu^{ty}s, & hath not or shall not pay his fine, though it be but sixe pence, for e^{ch} sixe pence as is not paid, wthin three dayes after he shall be fined, to y^e Treasu^{re}r appointed to receave the fines, not giving a reasonable ans^r to satisfacc^{on}, shall be called, by the Speaker for the time being, to y^e barre, & there answer his contempt^t for the breach of this order.

R. Saltonstall
petition.

On y^e petition of Richard Saltonstall, Esq^r, M^r Hibbens is appointed in M^r Mayhews roome, to joyne wth M^r Nowell, to examine, take, & perfect y^e acc^{om}pts of the said Richard Saltonstall, in respect of M^r Dillinghm, deceased, whose execut^{or} he was.

By both.

Arms, order to
sell.

Itt is ordered by this Cou^{rt}e, y^t y^e s^{er}veyo^r genne^{all} shall hereby have power to sell all the countryes armes vnto any p^{er}sons inhabiting wthin this colony, & to give an acc^{om}p^t of all such armes sould by him vnto the audito^r genne^{all}.

By both.

Maj^r Gibbons
sworn.

Itt is orderd, y^t Majo^r Edward Gibbons shall be putt to take his oath, truly to discouer w^t goods belonging to y^e Canary ma^rchants are now remayn^{ing} in his hands.

By both.

Committee to
examine ac-
counts.

Itt is ordered by this Cou^{rt}e, y^t M^r Pellham & M^r Hibbings shall have power to examine the acc^{om}p^ts betweene M^r Humfry & M^r Rob^t Saltonstall, & to take order y^t if M^r Saltonstall hath receaved of M^r Humfrys estate more then was dew to him, he may make dew satisfacc^{on} before y^e ship goes for Eng^ld.

By both.

J. Sherman
clerke of writs.

John Sherman, at y^e request of y^e toune of Wate^rtoune, is chosen clark^e of y^e writts there, instead of M^r Aires.

By both.

Wines, excise
to ^ collected.

The Howse of Depu^{ty}s conceave themselves bound to affoord the office^r for the custome of wyne all just power to come to y^e certaine knowledge of w^t wyne, by any p^{er}son w^hsoeuer, in this jurisdic^{on}, hath binn drawn or is begunne to be drawn by them, or any of them; therefore order y^t all such p^{er}sons, licens^t or not, shall be sum^oned to y^e next Quater Cou^{rt}e, there to give in vpon oath the truth of what they, or either of them, doth or hath donne, to y^e satisfacc^{on} of y^e said officer, & that such as are licens^t & have not given into

y^e Q^r^t Cou^rt's the truth of w^t they have donne are contemne^s of the lawe, & should be fined for their contempt thereof; this to reach to Douer & Strawberry Bancke also.

1645.

18 October.

It is ordered, y^t y^e five pounds, w^{ch} Mr Pellam disburs^d to Cap^t Bridges in ready mony for y^e countryes occa^sions, be forthwth paid him in the best pay the Treasurer shall receave, although he should not demand the same.

Mr Pellam to be paid money disbursed.

In ans^r to y^e peti^cion of Ephraim Child & Jo: Heiward, in behalf of Sam: Phillips, y^e ans^r referred to y^e next Q^r^t Cou^rte, at Decembe^r.

*The peti^cion of Richard Saltonstall, Esq^r, Mr Symon Bradstreet, Mr Saⁿ Symonds, Mr Richard Du^mer, Mr W^m Hubbard, Cap^t W^m Hauthorne, & Mr W^m Payne. To y^e Gen^eral Cou^rte. [*54.]

Whereas yo^r peti^cone^s, wth some others, have some thoughts of a discovery of y^e great lakes, & other lakes that lye vp in the countrye, & to build some trading howse, or howses, in free places vpon the coasts or rive^s, wee therefore thought good, before wee putt ou^rselves to chardges, to moove this honored Cou^rte for the furtherance of this designe, to graunt vs these things following, (viz.:) First, y^t wee may be established by o^rder of this Cou^rte, as a free company of adventurers, wth liberty to admitt & advancement of the worke, & to make such wholsom o^rders for the well manning of our trade as is graunted vnto such companies in other p^ts. Secondly, y^t w^tsoeuer trade wee shall discouer wthin y^e compasse of three yeeres next ensewing, (if y^e Lord blesse our indevo^rs,) wee may enioy it solely to o^rselves, & if y^e rest of y^e company, for y^e space of twenty yeeres after such discovery made & howses built, wth full power & authority from this Cou^rte to inhibite & restraine all other p^{so}ns w^tsoeuer, during y^e terme afore^sd, y^t shall attempt any trade by vs so discouered or settled, wthout y^e warrant of the aforesaid company, or if they have or shall intermedle therein as aforesaid, that then it may be lawfull for vs to seize vpon such goods so traded; & wee humbly desire y^e fauo^r of this Cou^rte to graunt vs yo^r letters vnder the publick seale to y^e French or any other wth whom wee may necessarily have to doe in the p^{se}cuting hereof, for the further countenancing of our p^{se}edings. Lastly, wee desire the like liberty & power for y^e vse of a caravan, to be advanced any way vp in the country as farr as wee shall thinke meete: provided, it shall be lawfull for any man to sett vp any trading howse & to trade in or vpon any such rivers, so as the same be not wthin 20 myles of any such trading howse as this company shall erect. Itt is intended that no trading howse shall be erected wthin 50 miles of any planta^cion wth such like priuiledg that is in our iurisdic^cion, viz., planted by the English; and it is intended y^t any man wthin our iurisdic^cion may put

Rich^d Saltonstall and others incorporated into a trading company. By both howses.

1645.

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in his adventure & be of the company, so as he cometh in w^{thin} 12 month^s: p^{ro}vided also, that if all the United Collonyes shall agree vnto & carry on a genne^{ra}ll trade at any time hereafter, that then this company shall surcease from going on in this way of p^{ar}ticular trade w^{ith} such as have like power of p^{ar}ticular trade, so as there be first dew satisfac^{ti}on made to this company, & other that shall be expended about the p^{er}secution of the said p^{ar}ticular trade. This peti^{ti}on is graunted, p^{ro}vided that these adventurers shall not contradict the former graunt to M^r Hill & y^e rest.

[*55.]

N. Duncombe
auditor gener-
al.

By both
houses.

Rules & reg-
ulations to di-
rect him.

Whereas this Cou^{rt}e hath found by much experience w^h damage y^e coun-
try sustaynes for want of keeping exact accomp^{ts} of all monyes that is dew to
the country, either by guifts, fynes, rates, legacyes, & otheruise, as also of
monyes issewing from the country vpon seuerall occa^{si}ons, *they have thought
fitt, this 15th October, 1645, to elect & make choyce of Leff Nathaniell Dun-
combe to be auditor genne^{ra}ll for this coun^{ty}, & have conferred vpon him thirty
pounds p^{er} anⁿ during the pleasure of the Cou^{rt}e, to be paid him by the country
for his paynes & care that he shall take in the faithfull dischargd of his place,
who is also to take his oath for the dew & faithfull execution of his office
when he shallbe called therevnto, who shall give an accompt thereof to this
Cou^{rt}e as often as he shall be therevnto required. It is therefore ordered by
this Cou^{rt}e, 1. That the said auditor genne^{ra}ll shallbe carefull to place no
debt vpon the country w^{ch} doth not rightly belong to them to pay, or w^{ch} doth
more properly belong to any collony, toune, or p^{ar}ticular p^{er}sons to dischargd,
and if there should be any dowbts arising hereⁱn, or in any such like paymen^{ts},
that he suspend the payment thereof till this Cou^{rt}e hath determined the same.

2. That he shall examine all notes, bills, & accompts vpon w^{ch} the coun-
try is to make payment or satisfac^{ti}on to any p^{er}son, & to agree w^{ith} them about
the rates & prizes sett doune if they seeme to him vnreasonable, or if they
have not before binn agreed w^{ith}, & that for the future he shall passe no bills
to y^e Treasurer to pay except they bring p^{ar}ticular notes vnder the hands of
such as have receaved or taken vp any thing for w^{ch} the country is to be
chardged w^{ith}, as for ferriages, messuages, diett, & such like things, & the
Treasu^{re}r shall not allow any bill before it hath binn signed by y^e auditor,
who is to be an æquall judge betweene the credito^r & y^e country, that wrong
may not willingly be donne either way.

3. That he keepe p^{er}fect bookes of accomp^{ts} of all such things that shall
passe thorough his hands, appertaining to y^e country, or signed by him, to be
paid by the country, as also of all debts & dewes belonging to the coun^{ty},
either by fines, rates, guifts, legacyes, rents, customes, imposi^{ti}ons, or any

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otherway; and that he may the better doe it, the Sec^{re}tary, from time to time, after euery session of the Genne^{ra}ll Cou^{rt}e, & at the end of euery Qua^{ter} Cou^{rt}e, or any other, give notes of all fines or p^{ro}fits that shall arise or appertaine to y^e country, by enteri^{ng} of acc^ounts, or any other way, that he may enter them into his booke, & take order for their recouery at the times agreed vpon. And to that end power is hereby given him to s^{um}on & call before him all ffarme^s or other offic^s, that are to receave any customes, imposi^{ti}ons, or rents, belonging to the country, & to take their accomp^{ts}, & to order their paying of them into the Treasu^{er}, acording to the times agreed vpon; also, to call before him any p^{er}son that is indebted to the country, at such time & place as he shall appointe, to give accomp^{ts} of such debts. He hath also power to issue out warrants to p^{er}secute, by cou^{rs}e of lawe, any such debto^r as, being found in arrearages, shall not, vpon demand, make dew satisfac^{ti}on thereof; & that the ma^rshall be ready to dischardge his place, in matte^s of this natu^{re}, when the audito^r shall require him therevnto.

4. That he take care y^t all such as bring suites & controuersyes into the Gennerall Courte shall pay y^e chardges of Cou^{rt}e for so long time as they shall spend in the hearing or determining thereof, *acording to a former order of this Cou^{rt}e made to that end.

[*56.]

5. That he take notice of euery rate y^t is graunted from time to time, & how it is p^{ro}ponded to efly toune, & make the Treasu^{er} debto^r for so much, y^t so y^e country may have a just accomp^t; & he hath power at any time to examine or view the Treasu^{er}'s accomp^{ts}, that so his owne bookes & accompts maybe y^e more p^{er}fect & ready; & if any difference or difficulty should arise betweene y^e audito^r & Treasu^{er}, or y^t the Treasu^{er} should thinke it appertaines to y^e audito^r to looke after, that, in such cases, they joyne together to doe what they can, that the buisnes of the country be not neglected, vntill the Genne^{ra}ll Cou^{rt}e shall order it betweene them.

6. That he shall take notice, & looke after wasts, streyes, goods losts, shipwracks, whales, &c, or any such things of the like natu^{re}, where the p^{ar}ticular owne^rs is not knowne, & y^e country may claime a p^{ri}uiledge or co^{er}ion right vnto.

Stray cattle;
lost goods to
be taken care
of.

7. That he keepe by him a copy of the records & order^s of Cou^{rt}e, from time to time, so many of them as concerne his place, for his direc^{ti}on vpon any occa^{si}on.

8. If messenge^s be sent fo^{rth} vpon any publicke occa^{si}on, or such like service, to be donne for the country, that he agree wth them for their paynes; or if any be to be gratified for bringing lette^s or messuages hither, he may order y^e same to the best advantage of the country, & then direct his bill to y^e Treasu^{er} for the dischardge thereof.

1645.

18 October.
Witness's, the
payment to be
agreed upon.

9. When any shall come to give in testimony ag^{nst} malefacto^rs, in faithfulness to God & the country, & they require their chardges for it, y^t he may agree wth them for what is reasonable; & in all other cases wherein the country is to be at chardg about p^{at}tents, bounds, or j^{ur}isdic^{ti}ons, that he be the husband for the country, y^t immoderate or needlesse chardge be not brought vpon the same.

10. That all the Cou^rts wthin this j^{ur}isdic^{ti}on, either the secretary or clarke of that Cou^rte, or some other whom the Cou^rte shall appointe, shall take p^{ar}ticular accompt of the chardge of that Courte, & then leave a note, vnder his hand, wth him that hath p^{ro}vided for that Cou^rte, wth he is to bring to y^e audito^r, to enter into his booke, before he appointe the Treasu^ro^r to discharge it.

11. That all these things, before men^{ti}oned, or any other things not yett named, that shall appertaine to the p^{ro}ffit & behoofe of the country, he hath hereby power to o^rder & take care of, suitable to y^e nature of his office; and w^hsoeuer shallbe so received, he shall appointe to be paid into the Treasu^ro^r of the country, & so to chardge him wth it, & to take receipts from him for what he receaves by his appointment, that so a cleare accompt may be kept of the chardges of the country yeerely, & what comes in, besids rates, for the discharge thereof; & all fo^rmer orde^rs for signing of bills, for payments, or o^rdering of accompts, concerning the country, is hereby repealed.

Lastly, that the audito^r shall signe no bill, to be paid by the Treasu^ro^r, for any that is indebted to y^e country, till he first pay his oune debt, or defaultke, so much out of that he is to receave of the Treasu^ro^r as his debt comes to; & that the secretary or clarkes of euery Cou^rte, & all such magis^{tr} or co^mission^{rs} as shall asist any office^s, or receive any summes, &c, for the countryes vse, by speciall o^rder, shall wthin foweteene dayes after estreate such fines, or other dewes, to the *audito^r, who shall send a transcript, or note thereof, to the Treasu^ro^r, that the same may be called for or levyed aco^rding to the cou^rse of lawe; & all other p^{er}sons who have formerly received, or hereafter shall receave, any guifts, fynes, or other dewes to the country, shall make like certificate of the same to y^e audito^r wthin one month after the end of the Cou^rte, ffor such things as are passed, & wthin the time limited for time to come.

[*57]

This Cou^rte, being mindfull of their duties, to endeavor as much as in them lyeth, that all meanes may be vsed to bring the natives to the knowledge of God & his wayes, to civilize them as speedily as may be, & that some such course maybe taken as may cawse them to observe those rules, order, y^t notice be given to y^e reuerend elde^rs, in their seuerall shiers, of the ready

By both
houses.
Indians to be
civilized.

minde of this Courte, vpon mature deliberation, to enacte what shall be thought meete hereabouts, & of their desires that they would take some paynes therein, & retou'ne their thoughts about it to the next sitting of the Genne'all Courte.

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18 October.

After many agitaçions about finishing the Castle, & settling a garriso there, it is concluded & o'dered by the Courte as followeth: —

First, that the country shall allowe fifty pounds for y^e building of the cap^t howse; secondly, that the country also shall allowe one hundred pounds towards the finishing of the said worke, and this ac'ording to forme^r o'der of Courte; and for any further charges for finishing the said worke, y^e five tounes wth vnde'tooke it are to see it fully finished, ac'ording to agreement. And for y^e settling of the garrison, itt is further ordered, y^t the cap^t of the Castle shall have the whole care of p'viding a sufficient gunne^r, wth tenne men, for the whole yeere, & tenne men more for eight months; & to be allowed for himself, the gunne^r, and the rest of the garrison, yeerely, the somme of two hundred and eighty pounds, to be paid him in manner following: For this p'sent yeere, one third p'te in hand, another 3^d p'te at halfe a yeeres end, and the other third p'te at the yeeres end, & for time to come to be paid in two paymen^ts, the one at halfe a yeeres end, the other at a yeeres end; & what hath binn already layd out by the cap^t, to have speedy satisfacçion for the same. And likewise, itt is further ordered, that the said two hundred & eighty pounds, above mençioned, shallbe paid him in manner as followeth, viz.: Fifty two pounds by Boston, in money, bever, or shopp comōdities; y^e one moyetye & the other moyetye in such pay as the cap^t shall accept of, as the rest of the tounes doth pay him in; twenty pound twelve shillings by Charles Toun, whose pay y^e cap^t accepts, & of Roxebury, on hundred bushells of Indian meale, deliv'd at the Castle, & twelve shillings in Indian co'ne, or other pay; twenty pounds sixteen shillings by Dorchester, in wheat, pease, barly, rye, Indian co'ne, or flatt catle, of each a like valew; of Cambridge, twenty pounds sixteene shillings, in the same pay. Fa'ther, it is o'dered, that the cap^t of the Castle shall have the vse of the iland to himself, and that the cap^t, wth the garrison, to be freed from all country chardges; and that a warrant be issued out of this Courte, vnde^r the hand of the secretary, to give notice to y^e gunner of this agreemen^t made wth y^e cap^t, y^t so he may p'vide himself of some other imploymen^t elsewhere against the spring.

Castle, further charges expended on.

By both howses.

* The oath of y^e auditor.

[*58.]

Yo^w doe sweare, y^t yow will well & truly se'v'e this comōwealth in y^e office of auditor genne'all, wherevnto yow have binn chosen, so long as yow

By both howses.

1645.

18 October.
Auditor's oath.

shall continew in the same; yow shall keepe a true accompt^t of all things comitted to yo^r chardge; yow shall not omitt, wthout just occa^on, or delay to examine, signe, & dispatch all accompt^{ts} & bills, w^{ch} shall be brought to yow for that end, wthout taking any fee or reward for the same, other then this Cou^rte hath or shall allowe, & shall give vp a true accompt^t of all yo^r buisnes when yow shallbe thereto required by this Cou^rte.

Capt. Smith, of
ship Rainebow,
and M^r Selleck
dispute.
Courts opinion.

Vpon the peti^ons of Cap^t Smith, M^r Keisar, M^r Selleck, & Grosse, that this Courte would heare the case anew about the shipp Rainebowe, their request was granted, the case heard, wittnesses on all p^{ts} heard & examined, & the Courte did judge & determine as followeth:—

1. That Cap^t Smyth was chiefe commande^r of the shipp Rainbowe, & ma^rchan^t of the goods, & so both at his dispose.

2. That M^r Keizar had no power nor just cawse to bring away the shipp from the Barbadoes, but in so doing did breake their couenan^t or charty party, notwthstanding the dainge's he p^tended he was in in regard of his oune pson or the losse of the ma^rchan's goods.

By both
howses.

3. That M^r Keizar should pay to Cap^t Smyth these ensewing damages, viz: For losse in wyne, that might have binn soald to more p^fitt at Barbadoes then at Boston, the some of nynety pounds; for Smith & his mans chardges at Ba^rbadoes coming hither, & for other defamation here & there, the some of fiffy pounds.

For the negroes, they being none of his, but stolne, wee thinke meete to allow nothing.

4. That the said Keizar, & the rest of y^e saile's, in strictnes ought to loose their wages.

5. All circumstances considered of Sellecks carriage at Piscataq, & his letter to Keizar, at Barbadoes, wee thinke it æquall that Keizar, Sellecke, & Grosse should only have their principle somes adventured paid them.

6. The shipp & p^oceed of y^e cargo to be deliuered as now she is to Cap^t Smyth, he paying such dew chardges as hath necessarily binn layd out about hir since his coming hither, & that she is now the better for to be judged by Goodman Chafy & Goodman Garrett, & that the shipp may be stayed till y^e o^rder is satisfied.

[*59.]

*That Cap^t Smith shall allowe Keizar tenne pounds for threatning to pistoll him, & y^t Cap^t Smyth take his remedy for y^e seamens wages.

Iron works en-
couraged.
By both
howses.

In ans^r to y^e peti^on of y^e vnd^rtak^{rs} of the iron workes, 1. Itt was graunted by this Cou^rte, ordered, that the vndertakers, their agen^{ts} & assignees, are hereby graunted the sole p^riviledge & benefit of making iron & mannaging of

1645.

18 October.

all iron mines & workes that now are or shallbe discovered & found out, or hereafter shallbe in this jurisdiction for the terme of twenty one yeeres from the former graunt, provided, that the said adventurers, their agent^{ts} or assignes, doe, wthin three yeeres from the forme^r date, vse their best endevo^rs to their vtmost skill to pfect so many of the said workes, that the inhabitants of this jurisdiction be furnished wth barr iron of all so^rts for their vse, not exceeding twenty pounds p tunne; provided also, that it shall be in the liberty of any wthin this jurisdiction to be adventurers wth the vnde^take^rs, if by the last day of this October they bring in their adventures, not lesse in one mans name then fifty pounds, wth allowance to the adventurers for the stocke of one thousand pounds, by them already disbursed.

2. The Courte doth heereby further graunt to the said vndertakers, their agents and assignes, in all places of wasts & lands not imppiated to any toune or pson, that the said vnde^take^rs, their agents or assignes, at all times during the said terme of twenty one yeeres, shall & may freely, & at their oune discretion, have & take all manner of wood & timbe^r to be converted into coales, or any other vses for the service of the vnde^take^rs, as also all manne^r of earth, stones, turfe, clay, & other materialls for buildings & reparations of any of their workes, forges, mills, or howses built, or to be built, or for making or moulding any manner of gunnes, potts, & all other cast iron ware, & for conve^ting wood into charke coale, & also to gett, digg, & carry away of all manner of stone, iron oare, & wood of all soarts, & any other materialls or things of vse for their workes: & it is hereby also graunted to the said vndertake^rs, their agents or assignes, that they shall have free libe^rty to make all convenient wayes & passages, as also all manner of da^mes, wate^r cou^rses, sluices, ponds for water, in all wast grounds, or other conveⁿencies to, from, & for the service of the said workes, built or to be built, not imppiated to any toune or pson, during such time as the said workes shall continew; provided, if, by any pond, sluice, watercou^rse, damme, or any other worke, (though in land imppiated,) they should spoile, or any wayes p^riudice the land appiated to any toune or pson, the said vndertake^rs shall make due and just satisfac^on. 3. Also, the Cou^rt doth hereby further graunt to y^e said adventure^rs, their agent^{ts} or assignes, in all the grounds that are or shall be "appriated, that the said adventurers, their agent^{ts} or assignes, shall have free liberty, at all times during the terme, to digg, gett, carry away, all manner of stone or iron oare, & to make & vse all convenient wayes & sluices, watercou^rses, pooles, dammes, ponds for wate^r, & other conveniencies to, from, & for the service of the said workes through all the said grounds that are or hereafter shallbe imppiated, (except howses, orchards not exceeding three ackers, & yards,) giving such due & full recom-

[*60.]

1645.

18 October.

Iron works,
land grant^d
for encourage-
ment.

pence for the same to the owne^r thereof for the time being as three indifferent men shall adiudge, whereof one to be appointed by the said Courte at the next generall meeting after the vnde^rtake^r, their agent^s or assignes, shall make or vse any of the said wayes or watercour^ses, or other p^rticulers therein men^tioned for the services aforesaid, & one other by the owne^r of the land for the time being, & the third by the vndertakers or adventure^rs. 4. The Courte hereby doth further graunt vnto the said adventure^rs, & to their heires and assignes foreuer, so much land now or hereafter to be in this iurisdiction, as aforesaid, as shall containe in sixe places, three miles square in each place, or so much in quantity as containeth three miles square, not exceeding fower miles in length, to be sett out in such places & parcells as the said vndertake^rs or their agent^s shall make choyce of, not being already impp^riated as aforesaid, vpon w^{ch} said land the said adventurers shall have free libe^rty, & hereby doe vnde^rtake that wthin the said terme of yeeres, to search, sett out, & find convenient places wthin the said compasse of land, for the building & setting vp of sixe forges or furnaces, & not bloomaryes only, or so many more as they shall have occa^sion for, for the making of iron as aforesaid, w^{ch} they shall (the iron stone & other materialls p^rying p^per & fitt for the making of iron as aforesaid) build & sett vp wthin the terme aforesaid, provided that y^e Courte may graunt a planta^cion in any place where the Courte doth thinke meete, the adventurers or their agents there residing having first notice thereof, & not making choyce of the same for p^rte of the land to be sett out & graunted to them, for the designe of planting the said iron workes & making iron as aforesaid; and itt is further graunted & ordered, that what quantity of iron of all sorts & qualitties the said adventure^rs, their agent^s or assignes, shall make more then the inhabitant^s shall have need & vse of for their se^rvise, to be bought & paid for by the said inhabitants as aforesaid, *they shall have free libe^rty to transport the same by shipping to other p^rts or places of the world, & to make sale thereof in what way & place the said adventure^rs shall please, for their best advantage, *for their best advantage*, provided they sell it not to any pson or state in actuall hostility wth vs.

[*61.]

6. Itt is further graunted & ordered, that the said vnde^rtake^rs, & agents, & servants shall, from the date of theis p^rn^ts, for euer have & enioy all libe^rties & immunities w^hsoever, p^rsent or to come, aequall wth any in this iurisdiction, according to the lawes & orde^rs thereof for the time being, & according to the rights & p^riviledges of the churches. 7. Itt is also graunted that the vnde^rtake^rs & adventurers, together wth their agent^s, servan^ts, & assignes, shallbe, & are heereby, free from all taxes, assessmen^ts, contribu^cions, & other publicke chardges whatsoever, for so much of their stocke, store, or goods as shallbe

employed in & about the said iron workes, for & during the terme of [^] 1645. yeeres yett to come from the date of theis p^{nt}^h. 8. Itt is also hereby further
 graunted & ordered, that all such clarkes & workemen, as myne^s, founde^s,
 fyners, hammer men, & collyers, necessarily employed, or to be employed, in
 & about the said workes, built or to be built, for any the services thereof, shall,
 from time to time, during the terme of [^] yeeres, be & hereby absolutely
 freed & discharged of & from all ordinary traynings, watchings, &c; but that
 euy pson at all times be furnished wth armes, poude^r, shott, &c, according to orde^r
 of Cou^{rt}e. 9. Lastly, itt is ordered by y^e Courte, that in all places where any
 iron worke is sett vp remote from a church or congregation, vnto w^{ch} they
 cannot conveniently come, that the vnde^rtake^rs shall pvide some good meanes
 whereby their families maybe instructed in the knowledge of God by such as
 the Courte or standing councell shall approve of.

Itt is o^rdered, y^t M^r Rawson shallbe allowed out of the treasu^{ry} the so^me Clerk compen-
 of twenty markes, for the se^rvⁱce he hath donne in keeping & transcribing sated.
 the reco^rds of the Howse of Depu^ts for the time past. Voted.

[Page *62 is blank.]

*.Att a Genne^rall Cou^{rt}e of Elec^tions, begunne the 6th of May, 1646. 1646.

Elected by the freemen for the yeere ensewinge : —

6 May.

[*63.]

John Winthrop, Sen., Esq^r, Go^urn^r,
 Thomas Dudley, Esq^r, Dep^t Go^urn^r,

John Endecott, Esq^r, Asistant, & S^rg^{nt} Maj^{or} Genne^rall,
 He^rbe^rt Pellam, Esq^r, Asistant,
 Rich Bellinghm, Esq^r, Asistant,
 Rich Saltonstall, Esq^r, Asistant,
 John Winthrop, Jun^r, Gen^t, Asistant,
 Symon Bradstreet, Gen^t, Asistant,
 Increase Nowell, Gen^t, Asistant & Secreta^{ry},
 W^m Hibbings, Gen^t, Asistant,
 Tho[:] Flynt, Gen^t, Asistant,
 Sam[:] Symonds, Gen^t, Asistant,
 W^m Pinchon, Gen^t, Asistant,

M^r Rich Russell, Treasu^{er}.

John Endecott, Esq^r, S^rg^{nt} Maj^{or} Gennerall, } Com^{is}sione^rs for the
 He^rbert Pellam, Esq^r, } Vnited Collonyes.

1646.

6 May.

Symon Bradstreet, Gent,
Thomas Dudley, Esq^r,

{ had the next votes as rese^rves to suply the place
{ or places of one or both of the comission^rs of
{ the United Collonyes, if by any providence one
{ or both should be hindred, that they could not
{ serve.

The deput^s sent from the sef^ll townes to serve at this Genne^rll Cou^rte
are —

Salem: Cap^t W^m Hathorn & M^r Hen: Bartholmew.
Charles Toune: M^r Russell, M^r Hill, & M^r Willoughby.
Do^rcheste^r: Lef^t Athetⁿ & Jo: Wiswell.
Boston: Maj^{or} Gibbons & Cap^t Keayne.
Roxbu^ry: Jo: Johnson & W^m Parks.
Wate^r Toune: M^r Rich Broune & Ephr: Child.
Lynn: Cap^t Rob^t Bridges & M^r Lawton.
Cambridge: M^r Sparhauke & Edw. Goffe.
Ipswich: M^r Hubbard & M^r Whiple.
Newbery: M^r Rawson.
Weimouth: Tho: Dyer.
Hingham: M^r Allen & Josh: Hubbard.
Conco^rd: Lef^t Willard.
Dedham: Lef^t Lusher.
Salisbury: M^r Rich Dumme^r.
Hampton: W^m English.
Rowley: M^r Carleton & M^r Brigham.
Braintree: Peete^r Brackett.
Sudbury: Walte^r Haymes.
Douer: W^m Waldron, Edw: Starbuck.
Strawebery Bancke: ^
Glocester: ^
Woodbou^rne: Lef^t Johnson.
Wenham: M^r Audito^r.

Cap^t W^m Hauthorne is chosen Speaker of the Howse of Depu^ts for this session.

[*64.] **I**TT is ordered, by y^e authority of this Courte, y^t e^vry constable wthin our jurisdiction hath by vertue of his office & place . . . ^ . . . ^ . . . ^

[*65.] * It was resolved, vpon the question, & that by vote, notwithstanding all the reasons alledged, that the Howse of Depu^ts should continew in their setting aparte & acting a p^{te} from the Magis^rs, aco^rding to the former order, as the most suitable to their condic^ons. Voted.

Voted.
The two
houses to be
seperate.

The townce of Conco^rd, p^rsenting Lef^t Symon Willard to this Cou^rte, as

him whom they have chosen to be their cap^t, desiring this Courts app^robac^on of their choyce & confirma^on, this Courte graunts their request, accepts of their choyce, & confirms the said Simon Willard as their cap^t; and, further, on their request, graunts, y^t Timothy Wheele^r shall be their ensigne. By both.

1646.

6 May.

Officers chosen in Concord.

On the request of the toune of Salisbury, Ralfe Blesdall is appointed by this Courte to keepe the ordinary there, & hath libe^rty graunted him to drawe wine. By both.

The widdowe Hawkings is denyed to have any libe^rty to come into this ju^risdic^on, being knoune to be a dainge^rous pson. By both.

Widow Hawkings forbidding to return.

The toune of Gloucester is fyned five pounds, for that they have not made retou^rne of their choyce of a deputy to se^rve at this Genne^rall Cou^rte. By both.

Gloucester fined & remitted.

In ans^r to the peti^on of se^ruall inhabit^{ts} of Marblehead, for redresse of many great abuses comitted on their inheritances by seuerall fishermen, itt is heereby declared, & orde^d, that howsoever itt hath binn an allowed custome for fo^reigne fishe^rmen to make vse of such ha^rbo^rs & grounds in this country as have not binn inhabited by English, & to take timber & wood at their pleasure for all their occa^sions, yett, in these p^rtes, w^{ch} are now possessed, & the lands disposed in pp^riet^y to seuerall townes & psons, & that by his maj^{ties} graunte vnde^r the greate seale of England, itt is not now lawfull for any pson, either fishermen or others, either fo^reine^s o^r of this country, to enter vpon any lands so app^riated to any toune or pson, or to take any wood or timber in any such places wthout the licence of such toune o^r pp^riet^y; & if any pson shall trespasse herein, the toune o^r pp^riet^y so iniuried may take their remedy by ac^on, or may psecute their goods or other interest, opposing by lawfull fo^rce ag^t such vnjust violence; provided, that itt shallbe lawfull for such fishe^rmen as shallbe employed by any inhabitants of this ju^risdic^on, in the seuerall seasons of the yeere, to make vse of any of o^r ha^rbo^rs, & such lands as are neere adjoyning, for the drying of their fish, & othe^r occa^sions, as also to take such timber or fierwood as they shall have necessary vse of for their fishing seasons, where itt maybe spared, so as they make dew satisfac^on for the same to such toune or pp^riet^yes. By both.

Marblehead incroachments, Courts opinion on.

On the hearing of y^e excuse y^e toune of Glouceste^r made, for their not retou^rning the choyce of their deputy to this Cou^rte, itt being found sufficyent, their fine of five pounds for their neglect was remitted. By both.

Mr W^m Waldron engaged himself, for his owne chardge, for this Cou^rte, & also when the accompt is pfect^d, of what is dew to the country for the depu^{ts} of Doue^{rs} diett for seuerall Cou^rts past, that itt shallbe suddainly

1646.

6 May.

engadged for, & dischargd in ma^{ch}antable pipestaves, either in y^e river or at Boston, at y^e currant p^{ri}ce in either place, at or befor y^e last of July next, so as y^e Cou^{rt}e issew out a warrant for y^e gathering vp thereof amongst them.

[*66.]

Employment
of Indians al-
lowed.

*The order fo^rbidding the entertayning of any Indian into se^rvice, wth-out allowance of the Cou^{rt}e, is hereby repealed, there being more vse of en- cou^radgement^t thus then otherwise. By both howses.

Exeter inhabit-
ants petition.

In ans^r to y^e peti^{ti}on of seuerall inhabitan^{ts} of Exetur, itt is hereby ordered & graunted, y^t Anthony Stanion, Samuel Greenfeld, & James Walle are hereby authorized wth full power to end smale cawses, vnder twenty shillings, ac^ording to lawe; & y^t M^r Samuell Dudley, Edward Rawson, & M^r Edward Carleton are appointed a co^mitte^e to lay out the bounds of Exeter, next to Hampton, & so round about them; provided, there be no intrenching on y^e bounds of y^e patten^t of y^e lo^rds & gen^t men^{ti}oned in y^e patten^t of Swampscoate, or on any graun^{ts} fo^rm^ely made to Douer. By both.

Rich^d Hollins-
worth petition.

In ans^r to y^e peti^{ti}on of Rich Hollingswo^rth, for a remitting of y^e 4th fyne imposed on him by the Q^{ue}re Courte, at Salem, for some miscarriage of his, the Cou^{rt}e thinkes it not meete to graunte his request. By both.

M^r Gardner,
petition of.

In ans^r to y^e peti^{ti}on of M^r Gardine^r, itt is graunted he should be fully satisfied for his paynes in p^{ro}secuting the Cou^{rt}e o^rder, about salte peeter, by the inhabitants of Ipswich. By both.

E. Rawson to
end small mat-
ters in Newbu-
ry.

Edward Rawson, M^r Woodman, & Hen^y Shorte are appointed, & hereby authorized, to end smale cawses, at Newb^{er}y, for the yeere ensewing, ac^ording to lawe. By both.

W^m Mellows
clerk of the
writs, Charles-
town.

Att y^e request of y^e deputyes of Charles Towne, M^r W^m Mellows is ap- pointed to be clarke of the writts there, in the roome of M^r Abraham Palmer. By both.

Petition
against Anna-
baptist & An-
tinomians.

In ans^r to a peti^{ti}on, subscribed by seventy seven inhabitan^{ts} of this col- ony, humbly request^{ing} all dew strengthening & keeping in fo^rce such lawes as have binn made by this Cou^{rt}e, for the p^{re}venting y^e enc^{re}ase of many dain- geous ero^rs, Annabaptis^{ts}, Antinomians, &c, as also for the dew punishmen^t thereof, the Cou^{rt}e gratefully accep^{ts} of their acknowledgements, graunting their request in y^e continuance of those wholesome lawes. By both.

19th 16: 9th remit-
ted to M^r
Stoughton.

M^r Stoughton
remitted a bal-
ance due from
husband de-
ceased.

In ans^r to a mo^{ti}on, made by Major Sediuke & M^r David Yale, on y^e be- halfe of M^r Stoughton, itt is ordered & graunted that M^r Stoughton shall be remitted y^e some of nyneteene pounds & sixeteene shillings & nyne pence, w^{ch} was dew on y^e not paymen^t of y^e p^{ri}te of y^e count^{ry}es stocke, w^{ch} hir late worthy husband left vnpaid at his decease, none reaping any benefitt of this graunt but M^r Stoughton only. By both.

Vpon the mo^oon of Le^t Tory to be discharged from exercising y^e military company at Hingham, his request is graunted, & y^e care of y^e company left to Major Edward Gibbons, till new elec^oon be made & approved of by this Courte. By both.

Agreed vpon & voted by the Howse of Deput^s, y^t whosoever is cast in the case of M^r Dunmer compl^t, & y^e towne of Newbery, del^t, shall beare the chardge of the Courte. Voted.

*The auditor genn^ell hath hereby power graunted him, & is forthwth required to goe into all the howses or cellars he knows or suspects any wyne to be that is not entered into his booke acording to order, & the same to seaze, distreyne, & take possession of for the vse of the country; & such wyne to marke & dispose of to y^e countryes vse, so as maybe forthcoming; & all constables & other officers are hereby required to asist & aide him in y^e dischardge of his duty, acording to order, taking satisfac^oon for what is entered as y^e lawe requireth, & giving y^e ownors of such wyne as are confiscate, & not entered, notice hereof, that they may appeare before this Cou^rte, to shew cawse why their wyne should not be confiscate. By both.

On y^e mo^oon of M^r Leader, for y^e buying of some of the countryes defective gunnes, itt is ordered & graunted, y^t he shall have them on such prize, & paying so for them, as y^e s^rveyo^r genn^ell & Cap^t Davenport shall sett the prize on them. By both.

Cap^t Keayne being fined for his absence at y^e time appointed, after sentence p^ressing he would pay five pounds assoone as 6^d, for w^{ch} affront he was fined twenty shillings. Voted.

In ans^r to a peti^oon of Joseph Jenkins for liberty to make experience of his abillities & inventions for y^e making of engines for mills, to goe wth water, for y^e more speedy dispatch of worke then formerly, & mills for y^e making of sithes & other edged tooles, wth a new invented sawemill, that things may be afforded cheaper then formerly, & that for fowerteene yeer^{es} wthout disturbance by any others setting vp the like inventions, that so his study & costs may not be in wayne or lost, this peti^oon was graunted, so as power is still left to restrayne y^e exporta^oon of such manufactures, & to moderate y^e prizes thereof if occa^oon so require. By both.

Itt is ordered, y^t y^e Indian who releived our men & pilated them home after La Tour had putt them on shore, shall have a long coat & 2 pounds of tobacco, by the Treasurer to be p^rvided, & satisfac^oon made for his transporta^oon home againe. By both.

Ordered, y^t Cutshamakin hath liberty to buy three pounds of swann shott, leaving his warrant behind him wth y^e p^rty he buyes it of. By both.

1646.

6 May.

Le^t Toyes dis-
chardge fro
Hing^m comp-
pany. Lieut.
Torrey pe-
tition.

Chardge of y^e
Court to be p^d
by y^e delin-
quents.

[*67.]

Audi^e gen^l
power.

Contradicens
to y^e order:
Major Ed: Gib-
bons, Francis
Willowby,
Rich: Russell,
W^m Parks.

Damaged guns
to be prized.

Capt. Keayne
fined.

J. Jenkins pat-
ent granted for
mills. Rather
Jenks: see p.
469.

Indian remu-
nerated.

Cutshamakin
has leave to
buy shott.

1646.

6 May.

Hawthorne &
Lathrop to be
capt. and lieutenant.

On y^e p^sentment of Cap^t Traske & Cap^t Hawthorne, by the deput^e of Salem, for y^e Courte to accept & confirme one of them for cap^t, & also S^rg^{nt} Lathrop & Peeter Wolfe, for one of them to be accepted of as lef^t, the Courte accepts & confirms Cap^t Hawthorne in y^e place of cap^t there, & S^rg^{nt} Lathrop as his lef^t. By both.

Sudbury to be
free in making
salt petre.

It is ordered, y^t y^e toune of Sudbury from henceforth shall be freed from y^e taking further care about salt peeter howses, any order notwithstanding, in ans^r to their peti^{ti}on. By both.

Cap^t Pelham, W^m Ward, & Edm^d Rise are appointed & authorised he^rby to end smale cawses in y^e toune of Sudbury, according to law. By both.

[*68.]

Tho^s White &
widow Swift,
Courts opinion
of.

*John Bridge, Left Mason, & Edmond Goodenow, bringing into this Courte their determinac^on of the difference betweene Tho: White & y^e wyddowe Swift, they finding y^t Tho: White hath runne out in just chardges on y^e wyddowe Swifts land ye some of 9^l 19^s 8^d, besides the breaking & improoving of land, for y^e w^{ch} they judge & determine the p^sent crop that is now in y^e ground will be full satisfac^on, & find fifteene pounds pⁱncipall debt; all y^e chardges, &c, coming to 24: 19: 8, y^e w^{ch} the agent of y^e wyddowe Swift refuseth to pay; itt is ordered, therefore, y^t the land henceforth shall remayne y^e inheritance of y^e said Tho: White & his heires fore^{ev}r from y^e date hereof. By both.

John Bourne
to keep cook
shop in Salem.

John Bourne, of Salem, is, on his & severall other inhabitants requests, graunted license to sett vp a cookes shop in Salem, selling no beere above a penny a quarte. By both.

John Moulton,
petition of.

In ans^r to y^e peti^{ti}on of Edward Colcord & John Moulton for releife ag^{nt} y^e vn^aequall stinting of y^e com^ons at Hampton, itt is referred to M^r Samuell Dudley, Edward Rawson, M^r W^m Payne, & M^r Carlton, & they have power hereby to examine wittnesses on oath, & search into all the distrac^ons there; making reporte of w^t they shall doe or find in the p^rmisses to y^e next sitting of this Courte. By both.

M. Powell to
keep an ordi-
nary.

Att the request of the toune of Dedham, Michael Powell is graunted licence to keepe an ordinary, & sell wyne there. By both.

R. Turner to
have £59.

It is ordered, y^t Rob^t Tuⁿe^r shall have fifty pounds paid him out of y^e peague y^t is to come from y^e Narrowgansetts vpon his accomp^t. By both.

H. Pritchard
excused from
training.

M^r Hugh Pritchard, on his request, is graunted a dismission from attending Roxbury company vpon ordinary training dayes for y^e space of one whole yeere. By both.

R. Saltonstall
granted 2900
acres of land.

M^r Rob^t Saltonstall is graunted his peti^{ti}on, & hath two thousand one hundred & twenty ac^rs of land allowed him, about Connecticute Falls, provided he accep^t it, as a p^rte of that p^rpo^{si}ti^on dew to S^r Richard Saltonstall, in

this jurisdiction, & formerly graunted him, but no place yett assigned. By both. 1646.

In ans^r to y^e petiçōn of Rob^t Whitman, to be freed from watchling, by reason of weaknes of body, itt was determined y^t this case, & such like, should be referred to y^e inferior Cou^rts, to w^{ch} they app^{ly} belong. By both. 6 May.
R. Whitman,
petition of.

In ans^r to y^e petiçōn of Elizabeth Fairefeild, for y^e discharging hir husband from y^t p^{te} of y^e censure inflicted on him for his notorious evils, of wearing y^e rope about his necke, y^e Deput^{is} could not consent y^t any p^{te} of his censure should be remitted him. Voted. E. Fairfeild,
petition in be-
half of her hus-
band.

*In ans^r to a petiçōn, subscribed by Martyn Saunde^s, Peeter Brackett, Hen: Addams, & a 11 more, of Braintree, for y^e psuading or forcing of Thomas Gilbert either to forbear feeding y^t iland of vpland, w^{ch} certaine medowes of theirs enviroⁿes, or elce to lett it on reasonable termes to y^e petiçōn^{rs}, itt was determined, that an o^rde^r of Courte, made at a Genne^rall Cou^rte, in y^e yeere 1643, [*69.]
Braintree, in-
habitants peti-
tion.

In ans^r to y^e petiçōn of James Heiden, wth his p^{ri}nc^{ip}al ferry^men, of Charles Towne, & for y^e satisfacçōn of all other ferry^men, y^t there maybe no mistake who are freed, or should be passage free, & how long, itt is hereby declared, y^t o^r honno^red mag^{ist}rs, & such as are, or from time to time shallbe, chosen to serve as deputies at y^e Genne^rall Cou^rte, wth both their necessary attendan^{ts}, shallbe passage free ouer all ferryes; & by necessary attendants, wee meane a man & a horse, at all times during the time of their being mag^{ist}rs or deput^{is}; but neū^r intended all the families of either at any time, & y^t y^e o^rde^r neither expresseth nor intendeth any such thing. By both. Charles-
town
ferry^men peti-
tion.

In ans^r to y^e petiçōn of W^m Ivo^y, itt is ordered, in regard y^e petiçōn^r alleadgeth his long absence from home, & publicke service p^{er}formed where he then abroad, that y^e millitary offic^{rs} of y^e east regiment shall convent^{er} him to their next meeting, & shall then heare & examine his allegations, & acco^rdingly to p^{ro}ceede acco^rding to lawe, & the execution to stay in y^e meantime. By both.

Att y^e Courte, at Salem, held y^e 18th of y^e 12th m^o, 1645, W^m Witter, of Lynne, was p^{re}sented by y^e grand jury, for saying, y^t they who stayed whiles a child is baptized doe wor^{sh}ipp y^e divell. Hen^r Collens & Math West dealing wth him thereabout^s, he further sayd, y^t they who stayed at y^e baptizing of a child did take y^e name of y^e Father, Sonne, & Holy Gost in wayne, broake y^e Saboath, & confessed & justified y^e former speech. The sentence of y^e Courte was, an iniunction y^e next Lords day, being faier, y^t he make publicke confession to satisfacçōn in y^e open congregation, at Lynne, or elce to ans^r it at y^e next Genne^rall Courte; & conce^rning his opinion, y^e Court exp^{re}sst their patience tow^{ards} him, only admonishing him till they see W^m Witter pre-
sented by G.
Jury.

1646.

6 May.

if he continew obstinate. Y^e said Witter not appearing here according to order, itt is ordered, y^t y^e major gen^{ll} take order for his appearance at y^e next Courte of Asistan^{ts}, at Boston, there to ans^r, & to be pceded wth according to y^e merit of his offence.

D. King, petition of.

In ans^r to y^e peti^{con} of Daniell King, itt is ordered, y^t y^e peti^{coner} shall appeare before y^e millitary offic^s of y^e east regiment, at their next meeting, who shall examine his allegations, concerning his not appearance at dayes of traynig, to pforme such service as might have binn imposed on him, & to pceed wth him according to lawe; but for time to come, this Courte doth dischargd him, in regard of his bodily infirmity, from attendance vpon ordinariy traynings, for any service in armes. By both.

Tobacco not to be used abroad, to prevent fires in the woods.

Forasmuch as great harmes hath binn donne by fires, w^{ch} have binn kindled in y^e feilds abroad at vnseasonable times, & have binn occasioned by taking of tobacco, & much time thereby vnprofitably expended, itt is therfore ordered, y^t no pson, after y^e end of y^e 4th mth next, shall take any tobacco in any common ground, or feild inclosed, or yards, or other open place out of doors, on paine of two shillings for e^{ch}y such offence, besides recompence of all dammages, according to forme order; provided, netherlesse, y^t it shall be lawfull for any man y^t is on his journey, remote from any howse five miles, to take tobacco, so y^t the^y he setts not y^e woods on fyre, to y^e damage of any man. By both.

[*70.]

*W^m He^{se}y, of Hingham, was denied his request of having his fyne remitted him. By both.

A. Beck allowed pay for tending sick prisoners.

Itt is ordered, y^t Alexander Becke, having forme^{ly} binn at great charge wth some infirme psons in y^e p^{ri}son, & since y^e keep^rs death hath kept Burcham & Redman, being both sicke, & so continewing, that y^e auditor gen^{ll} examine his accomp^t, & order his p^{re}sent satisfacc^{on}, & he dischargd of y^e said prisone^s, being he is not able further to maintayne them. By both.

Dedham bounds laid out.

In ans^r to y^e peti^{con} of y^e toune of Dedham, itt is graunted & ordered, y^t Cap^t Atherton lay out y^e bounds, & settle y^e 150 ac^s y^e honno^{red} Deput^t Gou^{rn}r gave out of his farme to y^e toune of Dedham. By both.

Committee respecting powder.

S^rg^{nt} Maj^{or} Genn^{ll} Endecott & M^r Willowby are appointed a close comi^{tee}, to whom y^e su^{ve}yo^r gen^{ll} shall discouer w^t y^e store of y^e coun^{tryes} powde^r is, & in what condi^{con} it is in, y^t they may make reporte to y^e Courte what they conceave is to be donne for y^e renewing thereof, & how. By both.

Dover conference of Deputies on holding Courts.

On conference wth y^e deputy of Dover, & his moc^{on} on y^e behalfe of y^e inhabitan^{ts} of Piscataq, the Courte conceaves y^t by y^e agreement wth y^e

inhabitant^s of Piscataq, no Courte is to be kept there otherwise then at Salem & Ipswich, w^{ch} cannot be wthout one magis^t; 2^d, that y^e impost vpon wyne, being a publicke chardge, is not to be required of them, but it is to goe to y^e defraying of their owne chardges of Cou^rts, &c. By both.

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6 May.

Whereas Cap^t Keayne was, by y^e Howse of Deput^s, fined twenty shillings, vpon his acknowledgm^t of his miscarriage therein, itt is remitted him.

Whereas this Courte hath passed an o^rder for y^e free passage of o^r hono^red magis^ts wth y^e deput^s of the Gem^l Courte, & the necessary attendance of both as in y^e order appeareth, and y^t y^e ferrymen of Charles Towne may not loose by the transporta^con of them abovesaid, wth grand jury, petty jurymen, prison^{rs}, keep^{rs}, &c, y^e Deput^s have by a comⁱttee agreed wth y^e said ferrymen for y^e time past to be allowed fower pound p^r ann^u since y^t order, & sixe pounds p^r ann^u for y^e time to come, y^e payment to be made & allowed annually by y^e Treasu^re. By both.

Charlestown ferrymen allowed £6 p^r ann^u for ferrage of Deput^s and others of the Court.

Itt is ordered, on y^e request of y^e towne of Douer, that M^r George Smith shall be one of the three men authorized by this Cou^rte for y^e ending of smale matters, and y^t Doue^r hath y^e same power of reco^rding sales of land as Ipswich hath, & y^t W^m Waldron be recorder there till y^e Courte take fu^rthe^r order herein. By both.

Dover, G. Smith to end small matters.

The order made y^e 7th of y^e 8th m^o, nombred in y^e margent of y^e Cou^rte booke 455, is hereby repealed, & from henceforth all bargaines made for mony shall be p^rformed & paid in mony, the aforesaid order notwthstanding. By both.

Bargains made for money to be fulfilled.

Cap^t Wyggin, M^r Smith, & M^r Ambrose Gibbons are appointed comⁱsion^{rs} to asist y^e magis^ts at y^e Cou^rte at Piscataq. By both.

*Forasmuch as delays in executing justice is dainge^ous to any state, & whercas many offendo^rs are punished only by fynes or pecuniary mul^ts & penalties, w^{ch} if there be delay or neglect in offic^e y^t such fines or penalties are not dewly levyed, then sinne is vn^punished, & y^e name of God may thereby suffer, itt is therefore oordered, by y^e autho^rity of y^e Genne^l Cou^rte, y^t any or e^dly offendo^r y^t shallbe fyned for y^e breach of any penall lawes, such pson or psons so offending shall fo^rthwth pay his or their fyne or penalty, or put in security speedily to doe it, or els to be imp^risoned or kept to worke till it be paid, y^t no losse may come to y^e com^onwealth; provided also, y^t if y^e magis^ts shall thinke meete to respitt any fine or penalty for a season, yett when its dew, & what other fines or debts be already dew to y^e country, y^e ma^rshall shall for the time being shall take his oath to be faithfull in y^e doing y^e deuty of his place in levyng & reco^ruring of y^e same, or els to be himself liable to such a fyne as any Courte of justice shall impose on him for his neglect. By both.

[*71.]

Law for speedy punishing crimes.

1646.

6 May.
Wid^w Luther,
petition of.

In ans^r to y^e peti^cion of y^e wyddow Luther, itt is graunted & ordered, y^t y^e marchan^{ts} being allowed so much as they have disburs^d for y^e redemption of hir sonne, y^t y^e wyddow Luther shallbe satisfy^d what is behind of hir husbands wages on accomp^t, provided this shall be no p^sident in any y^e like case w^{ch} may fall out hereafter, but y^t on cleare knowledge of y^e sea custome & y^e justice thereof, y^e Courte may determine as they shall find agreeable to lawe & justice. By both.

Salem, order
respecting
powder.

Whereas y^e toune of Salem stands chardged wth sixe barrells of y^e countreyes powder, & had but 4 graunted them to keepe there as a magazine for y^e toune, on their request the othe^r two ba^rlls is graunted them to keep, as before, so as they be deliuered to y^e cheife millitary offic^s, there to be in a constant readines at or befo^re y^e 8th of July next. By both.

H. Gunnison
allowed for
Deputies diet.

Itt is ordered, y^t Hugh Gunnison shallbe satisfyed for y^e diett he expended on y^e deput^s by y^e first either out of y^e custome of wyne or out of y^e wampompeague y^t is to come from y^e Narrowgansetts when y^e bills y^t are chardged therevpon are satisfyed, & y^t his servan^{ts} be allowed twenty shillings for their service; and y^e se^rvan^{ts} of James Penn are allowed twenty shillings for their like service, to be paid out of y^e treasury. By both.

R. Dummer,
petition of.

In ans^r to y^e peti^cion of M^r Richard Dummer about a difference betweene him & M^r Howe, John Stone, & Nathaniell Tredaway, the p^tyes appearing before y^e magis^{ts}, John Sherman did vnde^rtake for M^{rs} Howe & John Stone y^t y^e whole case should be referred to M^r Richard Broune, M^r Brian Pendelton, of Wate^rtowne, & Cap^t Athe^rton as v^mpiere; that they should submitt herevnto y^e arbitrement to be made & ready to be o^rdered to y^e p^tyes in writing before the last of the next month. M^r Dumme^r for himself submitts thereto, & y^e said com^{is}sion^{rs} shall have powe^r to examine wittneses on oath if they see it needfull.

[*72.]

Observations
on the subject
of baptism.

*The right fo^rme of church goue^rnment & discipline being a good p^te of y^e kingdome of Christ vpon earth, y^e setling & establishing thereof by y^e joynct & publicke agreement & consent of churches, & by y^e sanction of civill authority, must needs greatly conduce to y^e honno^r & glo^ry of o^r Lord Jesus Christ, & to y^e setling & safety of church & comonwealth where such a duty is dewly attended & p^rformed; & inasmuch as times of publicke peace, w^{ch} by y^e me^rcyy of God are vouchsafed to these plantations, (but how long y^e same may continew wee doe not know,) are much more com^odious for y^e effecting of such a worke then these troublesome times of warre & of publicke distu^rbances thereby, as y^e example of o^r deare native countrey doth wites at this day, where, by reason of y^e publicke occa^sion & troubles of y^e state, y^e refor^mac^on of religion & y^e establishing of the same is greatly retarded, & at the best

cannot be perfected without much difficulty & dainger, & whereas diſſe of our Xtian countrymen & freinds in England, both of the ministry & others, considering y^e state of things in this country in regard of peace & otherwiſe, have sundry times, out of their brotherly faithfulnes, love, & care of our well doing, earnestly by letters from thence solicited & called vpon vs y^t wee would not neglect y^e opportunity w^{ch} God hath putt into our hands for y^e effecting of so glorious & good a worke as is mentioned, whose aduise^{ments} are not to be passed ouer without dew regard had therevnto, & considering wthall y^t thorough want of y^e things here spoken of, some differences of opinion & practise of one church from another doe already appeare amongst vs, & others, if not timely prevented, are like speedily to ensue, & this not only in lesser things, but euen in p^{nts} of no smale consequence, & very materiall to instance, in no more but only these about baptisme & persons to be recd thereto, in w^{ch} one particuler the apprehensions of many persons in y^e country are knowne not a litle to differ; for whereas most churches doe only such children whose nearest parents are one or both of them settled members in full communion wth one or other of these churches, therebe some who doe baptize y^e children if y^e grandfather or grandmother be such members though *though* the immediate parents be not, & others, though for avoyding of offence of neighbor churches, they doe not as yett actually so practize, yett they doe much encline thereto, as thinking more liberty & latitude in this point ought to be yeilded then hath hether to binn donne; & many persons living in y^e country, who have binn members of the congregations in England, but are not found fitt to be receaved at y^e Lords table here, thebe notwithstanding considerable persons in these churches who doe thinke that y^e children of these, also, vpon some conditions & terms, may & ought to be baptized; likewise on y^e other side there be some amongst vs who doe thinke that w^{soeuer} be y^e state of y^e parents, baptisme ought not to be dispenced to any infants w^{soeuer}, w^{ch} various apprehensions being seconded wth practizes according thereto, as in pte they are already, & are like to be more, & must needs, if not timely prevented, begett such differences as willbe displeasing to y^e Lord, offensive to others, & daingerous to ourselves.

*Therefore, for y^e further healing & preventing of y^e further groweth of y^e said differences, & vpon the other grounds, & for y^e other ends afore mentioned, and although this Courte make no question of their lawfull power by y^e word of God to assemble the churches, or their messengers, vpon occasion of councell for any thing w^{ch} may concerne y^e practise of the churches, yett because all members of the churches, though godly, & faithfull, are not yett clearly satisfied, it is therefore thought expedient for y^e present occasion not to make vse of that power, but rather hereby declare it to be y^e desire of this

1646.

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[*73.]

Public convention
of ministers
and elders
to meet at
Cambridge.

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psent Genne'all Courte, y^t there be a publicke assembly of the elders & other messenge's of y^e scuerall churches wthin this iurisdic^on, who may come to gether & meete at Cambridge, vpon the first day of Septembe^r now next en-sewing, there to discusse, dispute, & cleare vp, by the word of God, such questions of church goũment & discipline in the things aforementioned, or any other, as they shall thinke needfull & meete, & to continew so doing till they, or y^e majo^r p^{te} of them, shall have agreed & consented vnto upon one forme of gouernment & discipline for the maine & substantiall p^{ts} thereof, as that w^{ch} they judge agreeable to the Holy Scriptures; w^{ch} worke, if it be found greater then cann well be dispatched & ended at one meeting or session of y^e said assembly, they may then, as occa^on & need shall require, make two sessions, or more, for the finishing of the same; and what they shall agree vpon they shall exhibite the same in writing to y^e Gouverno^r or Deputy Gouverno^r for the time being, who shall psent y^e same to y^e next Genne'all Courte then en-sewing, to y^e end that the same being found agreeable to the word of God, it may receave from the said Genne'all Cou^rte such appba^on as is meete, that the Lord being thus acknowledged by church & state to be our Judge, our King, & Lawegiver, he may be graciously pleased still to save vs, as hetherto he hath donne, & glory may still dwell in our land, truth & peace may still abide in these churches & planta^ons, & our posterity may not so easily decline from the good way, when they shall receave y^e same, thus publicly & solemnly comẽded to them, but may rather adde to such begiĩnings of reforma^on & purity as wee in our times have endeavored after; and so the chu^rches of New England maybe Jehovahs people, & he may be to vs a God from genne^ation to genneration.

Expence to be borne by the church who sends.

And as for the costs & chardges of y^e said assembly, itt is thought meete & most æquall that those churches who thinke meete to send their elde's & messenge's shall take such care as that, during their attendance at y^e said assembly, they may be p^{ro}vided for as is meete; & what strainger's or othe's shall for their oune ædification be psent at y^e said assembly, they to pvide for themselves, & beare their oune chardges.

[*74.]

And forasmuch as y^e planta^ons wthin y^e iurisdic^on of Plimouth, Coñecticut, & Newhaven are combined & vnited wth these planta^ons wthin the Massatusetts, in y^e same civill *combina^on & confederacie, itt is therefore heereby ordered & agreed, that the churches wthin the said iurisdic^ons shallbe requested to send their elde's & messenge's to the assembly aforementioned, for w^{ch} end y^e secretary for the time being shall send a sufficient nounge of cōpyes of this psent order or declara^on vnto the elde's of the churches wthin the iurisdic^on aforsaid, or vnto the Goũno^r, or Goũnors coĩmission^r or coĩ-

Copies to be circulated to other churches.

ission's, for y^e said confederate jurisdicōns respectively, y^t so these churches, having timely notice thereof, may the better p^rvide to send their elde's & messengers to y^e assembly, who being so sent shall be received as p^rte members thereof, and shall have like liberty & power of disputing & voting therein as shall the elde's & messengers of the churches w^hin the jurisdicōn of the Massachusetts. By both.

1646.

6 May.

In ans^r to y^e petiōn of M^r Rob^t Ensom, M^r Edward Wetheredge, M^r John Wheake, & y^e rest, y^e Cou^rte having taken into consideraōn y^e request of y^e said petiōn's, itt is hereby ordered, y^t y^e said petiōn's shall have y^e one halfe of y^e customes of their wyne's abated them, viz., five shillings vpon a butt or pipe, provided y^er, y^e said petiōn's, bona fidē make a true entry of all the wyne's they have landed, & y^t w^hin two dayes next after notice given them by the audit^r genne^rall, or any appointed by him for y^t end; and y^t they, the said petiōn's, doe make paymen^t to y^e audit^r genn^l of the other halfe of y^e custome, viz., five shillings p a butt or pipe, & y^t in such pay as is p^rvided for in a former order, w^{ch} requires tenne shillings vpon a butt. And in case any y^e said petiōn's shall delay to make a true retourn^e of their wyne's as afo^rsaid, that then all such said wyne's that are already forfeited by any such petiōn^r for non entrance shall be seized vp^o by way of distresse, aco^rding to a speciall warrant given to y^e audit^r genne^rall for y^t end & purpose.

For y^e better recovering of any custome of wyne's, or fo^rfeitures for not entering aco^rding to order, or any orders of this Courte, & for refusall of paymen^ts of such customes aco^rding to such order or orde^rs, to y^e satisfacōn of y^e audit^r genne^rall, itt is ordered by y^e Cou^rte, y^t y^e said audit^r hath power, and is hereby required, to goe into all y^e howses or cella^rs he knoweth or suspecteth any wyne to be, & from time to time shall seize vpon such wyne's as are not entered, & also seize vpon & take possession of so much wyne's as to make payment of what custome is due aco^rding to entrie's made, & is refused or neglected to be paid in dew manner, aco^rding to such orde^r; & hereby all constables & other offic^rs are required to asist & aide y^e audit^r in y^e discharge of his duty, & helping to breake open such howses or cella^rs, if y^e owne^rs of such wyne's shall refuse to open y^e doores or deliuer their keys in a peaceable way. By both.

*Cutshamakin, sagamo^r of y^e Massachusetts, came into y^e Cou^rte, & acknowledged y^t for y^e some of sixe pounds, & a coate, w^{ch} he had already rec^d, he had sold to M^r John Woodbridge, in y^e behalfe of y^e inhabitant^s of Chochichawicke, now called Ande^uor, all his right, interest, & p^riviledg in y^e land sixe miles southward from y^e tounce, two miles eastward to Rowley bounds, be the same more or lesse, no^rthward to Merrimacke River;

[*75.]

Andover, Indian's conveyance of the soil

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6 May.

provided, y^e Indian, called Roger, & his company, may have liberty to take alewives in Chochichawicke River for their oune eating; but if they either spoyle or steale any co^rne, or other fruits of y^e inhabitant^s there, to any considerable valew, this liberty of taking fish shall for euer cease; & y^e said Roger is still to enioy 4 ac^s of ground where now he plants. This purchase y^e Cou^rte allowes of, & have graunted y^e said land to belong to y^e said planta^cōn for euer, to be o^rdered & disposed of by them, reserving liberty to y^e Cou^rte to lay two miles of their southwardly bounds to any toune or village y^t hereafter may be erected thereabout, if so they see cawse. This passed as an order, on y^e acknowledgm^t of Cutshamakin. By both.

A. Eames & others to end small causes in Hingham.

Mr Allen, Anthony Eames, & John Merricke are hereby authorized to end smale cawses, at Hingham, till y^e next session of this Cou^rte. By both.

At a Gen^l Court, at Boston, 20: 3: 46.

20 May.

Male inhabitants of the towns, return to be made.

It is ordered, y^t y^e secretary doe send forth warrant^s to all constables to bring in to one of the comission^s for y^e Vnited Collonyes y^e just number of all y^e males wthin their seuerall townes, betweene y^e ages of 16 to 60, y^t so y^e chardge of y^e late expedicoⁿ, & y^e wampam dew from y^e Narrowgansett, may be dewly pp^ocedⁿ; & y^t, for time to come, y^e comission^s for y^e Vnited Collonyes shall, vpon all such occa^sōns, send forth their oune warrant^s to y^e constables, for y^e same pu^pose, y^t this Cou^rte may not be troubled herewth, nor y^e se^rvice neglected for time to come.

Charges of hostilities by M. D. Aulnay continued.

Whereas it hath binn alleadged by Mo^r De Aulnay, y^t this collony or goue^rnm^t of y^e Massatsetts hath acted in y^e expedicoⁿ of La Tou^r & Cap^t Hawkins ag^{nt} Moun^r De Aulnay, this Cou^rte, having taken it into considera^cōn, & thoroughly examined y^e p^remises in y^t p^rticuler, dath heerby declare, y^t this goue^rnm^t hath not had any hand in y^e said expedicoⁿ ag^{nt} y^e said Moun^r De Aulnay, or any act of hostillity comitted either by La Tour, Cap^t Hawkins, or any other French or English in y^t warre; neither did this Genne^rall Cou^rte, (wherein y^e sup^reame power of this jurisdicoⁿ resideth,) forme^rly or latte^rly, allowe of any p^rivate letters written from any man, whether Gou^rn^r for y^e time being, or any other publicke p^rson or p^rsons w^{so}euer, to be an acte of this state to ingage this collony in any designe, wthout y^e consen^t of this Cou^rte first had & obta^yned, & y^e same therein expressed; neither hath this Cou^rte given or consented to any such p^rivate lette^r w^{so}euer to be written from any man touching this p^rticuler.

[*76.]

Committee upon forming laws.

*This Cou^rte thankfully accep^d of y^e labo^r of y^e seue^rall comittees of y^e seuerall shieres as they are retou^rned by them, & being very vnwilling y^t

such pretious labors should fall to y^e ground wthout y^t good successe as is generally hoped for, have thought it meete to desier Richard Bellinghm, Esq, & Left Duncan, Mr Nowell & Left Johnson, Mr Symonds & Mr Warde, to cawse each comittees retoune, about a body of lawes to be transcribed, so as each comittee have the sight of y^e othe's labors; & y^t y^e psons menconed in this order be pleased to meete together at or before the tenth of August next, at Salem or Ipswich, & on y^e pvsing & examining y^e whole labors of all the comittees wth y^e abreviacion of y^e lawes in force, w^{ch} Mr Bellinghm tooke great store of paynes, & to good purpose, in & vpon y^e whole doe make retourne to y^e next session of y^e Courte, at w^{ch} time y^e Courte intends, by y^e favo^r & blessing of God, to pceed to y^e establishing of so many of them as shallbe thought most fitt for a body of lawes amongst vs. By both.

1646.

20 May.

For y^e better keeping of watches & wards by y^e constables, in times of peace, itt is ordered, y^t euy constable shall p^sent to one of y^e next magists y^e name of euery pson who shall, vpon lawfull warning, refuse or neglect to watch or warde, either in pson or by some other, sufficient for that service; and if, being so convented, he cannot give a just excuse, such magists shall graunt warran^t to y^e constable, to levye five shillings of such offendor for euery default, the same to be employed for y^e vse of the watch of y^e same toune. And it is y^e intent of y^e lawe, y^t euery pson of able body, not exempted by lawe, or of estate suffieyent to hire another, shall be liable to watch, or to supply it by some other, when they shallbe therevnto required; and if there be in y^e same howse diuerse psons, whether se^rvants or sojourne^s, they shallbe all compellable to watch as aforesaid. By both.

Penalty for not
attending
watches.

Mr Francis Willowby is chosen & appointed as a reseve, in case Cap^t Hauthorne, by reason of some hand of God, y^t is not fo^reseene, nor cannot be p^rvented, should not be able to goe to Penobscott, to Mouns^r De Aulnay, then Mr Willoughby to be a comission^r in his roome. By both.

Thomas Loughton, Edward Burcham, & Tho: Putman are authorized by this Courte to end smale cawses, vnde^r twenty shillings, in y^e toune of Lynne. By both.

Itt is ordered, y^t Boston & Charles Toune shall have each of them their ppo^rtions of two barrells of powder, w^{ch} this Cou^rt allowes them, y^t they may not neglect to retoune comon salu^s to vessells w^{ch} salu^e them; Boston to have two thirds of the two barrells of powder, & Charles Toune y^e othe^r 3^d p^rte.

Boston &
Charlestown to
have powder.

Itt is ordered, y^t y^e 11th day of June, throughout this iurisdiction,

1646.

23 May.

shall be sett aparte for a day of thanksgiving to Almighty God, for his great & victorious mercyes to o^r deare native countrye, for y^e comfortable & seasonable supplying of vs wth moderate showers, & his mercy in wthdrawing his afflicting hand from vs.

[*77.]

*Whereas Mr Jo: Winthrop, Juⁿ, & othe^{rs} have, by allowance of this Cou^rte, begunne a planta^cōn in the Pequid country, w^{ch} app^ortaynes to this jurisdic^cōn, as p^{te} of o^r p^opor^cōn of y^e conquered country, & whereas this Cou^rte is informed, y^t some Indians, who are now planted vpon y^e place where this planta^cōn is begunne, are willing to remoove from their planting ground, for y^e more quiett & convenient settling of y^e English there, so that they may have another convenient place appointed, itt is the^rfore ordered, that y^e said Mr Winthrop may appoint to such Indians as are willing to remoove other lands on y^e other side, w^{ch} is on y^e east side of y^e great river of y^e Pequid countrye, or some other place, for their convenient planting & subsisting, w^{ch} may be to y^e good liking & dew satisfac^cōn of y^e said Indians; & likewise to such of y^e Pequid Indians as shall desire to live there submitting themselves to y^e English go^vlmen^t, reserving to y^e co^mmissioners of y^e Vnited Collonyes w^t p^opply belong to their disposing, conce^rning y^e said Pequids; and also to sett out y^e place for y^e planta^cōn, & to sett out lotts for such of the English as are there already planted, or shall come to them; and to gouerne y^e people aco^rding to lawe, as occa^cōn shall requier. Mr Thomas Peeters is joyned wth Mr Winthrop, to asist him for y^e better carrying on y^e worke of y^e said planta^cōn, aco^rding to order. By both.

Indians to re-
move from the
Pequid coun-
try.

Committee on
Mons^r de Aul-
nay: dispute at
Penobscot.

Whereas Thomas Dudley, Esq^r, Depu^t Go^vno^r, Cap^t W^m Hawthorne, & Major Daniel Dennison are chosen commission^{rs} by this Cou^rt to goe to Penobscott to treate wth Mouns^r De Aulnay, or his agents, concerning y^e p^ontended differences betweene him & this go^vl^t, y^e Courte doth order & appoint, & hereby doth give full powe^r to, Major Genn^t Endecott, Rich: Bellinghm, Esq^r, Cap^t Robt Bridges, Mr Francis Willoughby, & Mr. Duncan to be a close co^mittee to drawe up, & give out, such instruc^cōns to y^e said Thomas Dudley and y^e rest as they shall to their best skill & wisdom see most con-^vdcing to y^e p^osen^t & future peace & welfare of this collony, wthout making knoune y^e same to y^e Genn^l Cou^rte, vntill y^e said co^mission^{rs} shall retou^rne; as also y^e co^mittee hath hereby full power to order & appointe how many attendan^{ts} y^e said co^mission^{rs} shall have, & their wages; as also shall take care for a convenient p^orcōn of money for y^e co^missione^{rs} to carry wth them, & for their p^ovicōns, befitting their p^osons & suitable to y^t ser-vice, and what allowance shall be given y^e said co^mission^{rs} for their paines & times expended, & damage in their oune domestiq^u buisnesses in their

absence, and for y^e appointing so^m interpreter & hiring of a vessell wth all other requisits that concerne this buisnes. By both.

*Whereas heretofore there was a peace agreed vpon betweene Mouns^r Daulnay, Knigh, go^urn^r & le^f genne^rall for y^e King of Fraunce, of y^e coast of Acady, country of New Fraunce, by his agent Mouns^r Marey on y^e one p^{te}, & y^e Go^urn^r & Magis^{ts} of y^e Massatusetts Bay in New England on the other p^{te}, w^{ch} had reference to an assen^t therevnto to be given by y^e other jurisdic^{ti}ons in New England in confederation wth them, w^{ch} assen^t was afterwards given vnde^r y^e hands of y^e co^mission^rs of y^e Vnited Collonyes, & in October last sent to y^e Mouns^r Daulnay, to have binn by him subscribed & retou^rned to vs; and whereas y^e said Mouns^r Daulnay did then make difficulty & demurred vpon the subscription thereof, in regard of some iniuries & damages he alleadged to be sustayned by some of ours, requiring satisfac^{ti}on thereof before he would subscribe y^e artickles of peace, desiring that wee would therefore at this time send ce^taine agen^{ts} quallified & authorised to treat wth him & his agents, & compound the same; wee, therefore, the Go^urn^r, Dep^t Go^urn^r, Majestrates, & Deputyes, making y^e Genne^rall Courte at Boston, wherein the supream power & authority of this jurisdic^{ti}on resideth, being desirous y^t a just & æquall peace may be kept & maintained betweene the two nations, and wth y^e said Mouns^r Daulney, & all our neighbo^rs & ourselves being willing also to gratifie y^e said Mouns^r Daulney in this his request of a treaty, that soe it may for his satisfac^{ti}on be fully manifested to him how innocent wee are concerning those wrongs he supposeth wee have donne him, & how out of y^e desire of peace, & mutuall trade, & co^merce wth him, wee would have sup^pssed our greifes & borne our losses by him & his, suffered in silence, if he had not thus pressed vs to a complainte thereof, have hereby authorized & appointed o^r much honno^red, right trusty, & well beloved Thomas Dudley, Esq^r, y^e Dep^t Go^urn^r of this jurisdic^{ti}on, & o^r faithfull & worthy freinds, Major Daniell Dennison & Cap^t W^m Hautho^rne, our co^mission^rs & agents for vs, & in o^r names & steede to treat wth y^e said Mon^{sr} Daulney or his co^mission^rs sent from him wth like plenary power & authority as wee hereby give vnto yow our co^mission^rs & agents for y^e determiⁿg & compounding of all differences & greivances betweene him & ourselves, authorizing & giving to yow heereby full & absolute power to agree & determine all greivances, complain^{ts}, iniuries, losses, violences, and dammages, w^{ch} shall appeare vnto yow, or w^{ch} shall be supposed to have binn donne or perpetrated either by vs or any of ours ag^{nt} him, or by him or any of his against vs or any of ours, hereby obliging ou^rselves to stand, to abide, & p^{ro}forme w^hsoever yow shall vnde^r yo^r hands testifie so to have agreed vnto. In testimony whereof wee

1646.

29 May.

[*78.]

Commissioners
appointed on
Mon. D. Aul-
nay business.

1646.

29 May.

[*79.]

Thanksgiving.

have hereunto affixed our publicke scale, & have caused our sec^yary to subscribe the same this [^] day of [^], old stile, in the yeere of our Lord 1646. By both.

*Itt is ordered y^t y^e eleventh day of June, throughout this jurisdiction, shall be sett aparte for a day of thanksgiving to Almighty God for his great, victorⁱous mercyes to our deare native country, for y^e comfo^table & seasonable supplying vs wth moderate shower^s, as also for his great mercy in wthdrawing his afflicting hand from of vs. By both.

The Cou^rte is adjourned to y^e 7th day of October next, vnlesse y^e Gou^rn^r see cause to call it together againe by his warrants sooner. By both.

7 October. *Att another Session of the Gennerall Cou^rte of Elec^tions, held at Boston y^e 7: 8 M^o, 1646.*

CAPT Robt Keayne was chosen Speaker to the Howse of Depu^ts for the first day of sitting. Cap^t Robt Bridges was chosen sec^y for y^e first day of sitting.

M^r Frauncis Willowby was chosen comptroller for y^e whole time of sitting.

Cap^t Rob^t Bridges was chosen Speaker to y^e Howse of Depu^ts for y^e whole session.

Persons to end
small causes.

Where as there is no order made appointing who shall end small causes in townes vnder y^e vallew of twenty shillings, where one only majestrate dwells, & y^e cause concernes himself, itt is therefore ordered, y^t in such cases y^e 5, 7, or more men in euery such toun w^{ch} are selected for p^rudentiall affaires, shall have power to heare & determine such cases, & to graunt execution for the levying & gathering vp such damages for y^e vse of y^e p^rson damnified. By both howses.

Rule of proce-
dure in Courts.

Whereas by a former order y^e def^t is to have sixe dayes warning by p^rcesse before the time of his appearance, &c, & no p^rvi^cion made in y^e said orders for suddaine occa^sions w^{ch} may concerne strainge^rs or others, where there is not so much time before y^e next Cou^rte, nor cann they stay till a Cou^rte after, itt is therefore ordered, y^t in all such cases, y^e clarke of y^e writts, by warrant from one of y^e next magis^{ts}, who is to weigh y^e necessity of y^e case, may graunt p^rcesse for y^e def^ts appearance at y^e next Cou^rte; & y^e same Cou^rte may require y^e def^t to answer, if they see just cause so to doe, though he hath not had sixe days warning, as in y^e former orde^r is appointed, & y^e clarke of y^e writts is to men^tion in y^e p^rcesse vppon w^t magis^{ts} warrant he graunted the same. By both howses.

Cap^t Athlirton, M^r Carlton, & M^r Bartholmew are appointed a comⁱttee to audite y^e accom^pts of y^e cap^t of y^e Castle.

In ans^r to y^e peti^cion of y^e sagamore of Agawam, liberty was graunted to one of our smⁱthes to mend his gunne. By both.

*In y^e case of Robt Miller, now in p^rison, acused for beastialit^r, y^e witt-
nesses seeming to disagree, y^e coldnes of y^e season approaching, itt was ordered,
y^t his oune band should be taken for his appearance, to answer it at y^e next
Cou^rte of Asistan^s. By both howses.

1646.

7 October.
R. Miller liber-
ated.

[*80.]

M^r Treasurer, M^r Auditor Gennett, & M^r Sparhawke are appointed a
comittee to examine all matters of accompt^t betweene M^r Welles & y^e country,
by comparing his letters.

With respect to y^e extraordinary occa^sions y^t many membe^s of y^s Cou^rte Court ad-
have, & y^e shippes being suddainly to de^pt for Eng^td, wherin most have much journed.
to doe, y^e Cou^rte was adjourned to y^e next 4th day of y^e 9 m^o, at one of y^e
clocke. By both howses.

*Att another Session of y^e Gennerall Cou^rte, held at Boston, y^e 4th
9: Mo: 46.*

CAP^t Robt Bridges was chosen Speaker to y^e Howse of Deput^s for y^e 4 November.
whole session. R. Bridges
Speaker.

M^r W^m Ting being chosen & p^resented, by y^e toune of Boston, as deput^t in
y^e roome of Major Edward Gibbons, was accepted.

Itt was ordered, y^t one hundred pounds should be suddainly raised for y^e Money to be
furnishing of M^r Edward Winslowe, whom this Cou^rte hath chosen & appoint- raised for E.
ed to negotiate for them in England, &c. Winslow.

A letter writt by y^e Gou^vnr in y^e name of y^e Gennerall Courte to y^e gen^t of Letter to intro-
Plimouth, to informe them of our sending M^r Edward Winslow to nego- duce M^r Wins-
tiate for vs wth the honno^rable comission^s for planta^sions, & y^t if they low.
please to imploy y^e said M^r Winslowe in such occa^sions as may concerne
them, they may, wth respect of their bearing such appor^sion of the chardges
wth vs as they shall thinke meete.

S^r: Our Gennerall Cou^rte being occa^sioned by w^t wee lately rec^d from
the honororable comission^s in Eng^td, to send some to cleere vs of such falce
imputa^sions as Gorton, &c, have there chardged vpon vs, wee have intreated M^r
Edward Winslowe to vnde^rtake y^e worke for vs, wth wee thought fitt to ac-
quainte yow wth, & our brethren of Newhaven also, to y^e end y^t if yow con-
ceave he may stand yow in any steed, in yo^r publicke affaires wth y^e said com-
ission^s, yow may please to send him comission & instruc^sions for that purpose.
Yow know y^e gen^t, his abillities, & faithfulness.

In much streight of time, I take leave, & rest

Yo^r assured freind,

JO: WINTHROP.

1646.

4 November.
Committee on
iron works.

M^r Simond Bradstreet, M^r Thomas Flint, Cap^t Rob^t Keayue, Peeter Brackett, & M^r Carleton are appointed a comittee to pvse y^e gen^t letter about y^e iron worke, making returne of w^t they conceive meete to be donne thereabouts. By both.

[*81.]

S. Gates &
others to make
a public ac-
knowledg-
ment.

*In ans^r to y^e petiçōn of Stephen Gates, Frauncis Smith, Jn^o Winchester, Jn^o Beale, & Jn^o Padge, of Hinghm, for y^e abatement of their fines of 14^s a peice, being poore & not able to pay it, itt is ordered, that they shallbe remitted their fines, so as they make acknowledgm^t of their offence vpon some lecture day, at Boston. By both howses.

N. Rogers to
preach election
sermon.

Itt being the time & turne of y^e Deput^s for to choose & appointe y^e ministe^r to p^reach the se^rmon at y^e next Cou^rte of Elecçōn, they chose & desired M^r Nathaniell Roge^s, of Ipswich, to p^reach y^e next elecçōn sermon.

E. Kendall
sale of land.

Elizabeth Kendall, late wife to Samuëll Holly, did acknowledge before the Gennerall Courte, in consideraçōn of twelve pounds in hand paid to himself & John Kendall, hir husband, shee did sell to Edward Jackson, of Cambridge, y^t dwelling howse of hir forme^r husband, Sam^l Holly, wth an outhowse & tenne ac^{res} of land, enclosed, wth all y^e libertyes & priviledges thereto belonging, w^{ch} hir husband gave hir during hir naturall life; as also fower ac^s of land, more or lesse, in Cambridge liberty, abutting Roxbury highway on y^e north, John Jackson on y^e west, y^e Comon east & south.

Wittnesses to y^e sale.

J^o: Russell, Sen.,

Jn^o: Russell, Jun.

Lynn to have
a market.

Itt is ordered, y^t it shallbe in y^e libe^rty of y^e toune of Lynne to erect & keepe a marktett on eñy third day.

53: 2: 94
shifts.

Itt is ordered, y^t y^e shifts of y^e children, in y^e hands of M^r Glover, shall, by him & y^e Treasur^r, be apprizd, & deliūd to y^e cap^t of y^e Castle, in p^rte of payment for w^t is dew to him. By both.

Cap^t Willard being fyned 5^{lis} for his absence, on his excuse it was remitted, he satisfying y^e messenger y^t y^e Cou^rte sent to him.

Watertown.
R. Bourne to
marry.

In ans^r to y^e petiçōn of y^e toune of Water Toune, M^r Richard Broune is appointed, & by this Courte, & authorized to marry such as are published according to order in Water Toune. By both howses.

Sarah Barnes
petition grant-
ed.

In ans^r to y^e petiçōn of Sarah Barnes for y^e remitting of a fyne of five pounds imposed on hir husband by y^e Courte of Salem, & y^t W^m Addis, who was surety for y^e said fyne, should be dischargd, & not trouble, therefore, the Courte being informed y^t Addis, contrary to advice, would be surety for the fyne, y^t so y^e sd Barnes should escape corporall punishment, itt is ordered,

y^t y^e said Addis shall not take any thing from y^e said Sarah Barnes, but seeke his remedy at the hands of the husband only.

1646.

4 November.

[*82.]

Regulation of
ferry's.

*Whereas men doe passe ouer y^e cōmon ferrys in great dainger oftentimes, & y^e ferrymen excuse themselves by the importuning of passengers & want of lawe to give them power to keepe dew order, &c, itt is therefore hereby ordered, y^t no pson shall passe or enter into any ferryboate contrary to y^e will of y^e ferry men, or of the most of y^e passenge^{rs} before entered, vpon paine of tenn shillings for eūy such attempt, & y^t eūy ferry man that shall punit & allowe any pson to come into his boate agn^t the will of any of y^e maies^{ty} or depu^{ty}, or any of the elders, then in such boate, or y^e greater pte of y^e passengers then in y^e boate, shall forfeite for eūy pson so admitted or receaved ag^{nst} such will declared, the sōme of twenty shillings; and it shallbe in y^e power of any such ferry man to keepe out or putt out of his boate any pson y^t shall enter into or stay in such ferry boate contrary to this order; and it is further ordered, that all psons shallbe receaved into ferry boats according to his cōming first or last, only all publicke psons, or such as goe vpon publicke occaōns, or phisitions, or chirurgeons, or midwives, or such as are sent for, such shallbe transported as such as come first. By both howses.

The accompt of M^r Edward Allyn is reēd & accepted, all but y^e 7^t 4^s mentioned for a selwith, w^{ch} is left till M^r Allens execut^{rs} cann bring in w^t y^t selwith meanes, & y^t it is of such a vallew before it be accepted as p^t of y^e accompt.

E. Allyn, ac-
count suspend-
ed.

The Courte having formerly graunted Majo^r Nehemiah Bourne y^e loane of sixe great gunnes, as in y^e graunt, &c, giving caution for their retournes accordingly, w^{ch} is referred to y^e surueyo^r genne^{all} to see it be pformed according to order.

Guns loaned
M^r Bourne.

In answ^r to y^e petiōn of M^{rs} Margaret Howe & Nathaniell Tredaway, liberty was graunted them to drawe two butts of wyne, w^{ch} they reēd for debt, w^{ch} they cannot sell wthout great losse by y^e butt. By both howses.

M. How li-
censed to draw
wyne.

In answ^r to y^e petiōn of y^e toune of Hampton, itt is ordered, y^t Hampton shall be allowed five pounds out of y^e next country rate towards the making of a suffeyient carte & horseway ouer the great mareshes there, & so as they doe it suddainly.

Hampton to
have £5 for
making a road.

In answ^r to y^e petiōn of y^e toune of Braintree, Henry Adams is appointed clarke of y^e writts in y^e roome of Peeter Brackett, & also one of the three men to end smale cawses. By both howses.

Braintree, H.
Adams clerk of
writts.

In answ^r to y^e petiōn of M^{rs} Dingham & John Alcocke, y^e deviōn of y^e howses & lands made by Cap^t Joseph Weld, John Johnson, & Tho: Lambe.

House, divi-
sion between
parties.

1646.

4 November.

[*83.]

Time for reading petit. repealed.

A: Becks acc^t exa.

R. Bridges compensated.

to John Alcocke, & $\frac{1}{2}$ to Samuell, is approved of & confirmed by the Courte. By both howses.

*The Courte order, y^t no peti^{ti}ōn should be reēd after the first three dayes of the Courte, is hereby repealed. By both howses.

Itt is ordered, y^t y^e auditor gen^{tl} shall examine Alexander Becke his account, & take order for his speedy satisfac^{ti}ōn. By both howses.

The Courte, well weighing y^e good service p^{er}formed by Cap^t Rob^t Bridges in y^e negotiation wherein this Courte lately employed him & called him to, wth y^e daingers & losses y^t were attending therevpon, thinke meete to allowe him tenn pounds as a smale manifesta^{ti}ōn of their loving acceptance of his good service therein, & for y^e chardges he was necessitated to lay out for y^e accomplishment thereof, being hindered, by y^e many debts y^e country stands engaged for, fully to requite him; as also in like manner Lef^t Walker is allowed ffower pounds, & Sa^{rg}^{nt} Marshall forty shillings.

W. Walderne writings, directions about.

In ans^r to y^e peti^{ti}ōn of Richard Walderne for a disposall of all publicke & private writings y^t were in y^e hands of W^m Walderne, late recorder of Dover, deceased, itt is ordered, y^t M^r George Smith & M^r Edward Starbucke shall be a com^{it}tee to survey y^e bookes & writings y^t were in y^e hands of the said W^m Walderne, & to give to eūy one y^t w^{ch} belongs to them, & such publicke writings as belong to the Courte at Piscataq, or any p^{te} of this jurisdic^{ti}ōn, to reserve in safety till further order from this Courte. By both howses.

Rates of wharfrage.

Orders to be observed by all such as shall bring any goods vnto y^e wharfe.

1. That all forraigne goods re^cōned by the tunne or loadē shall pay 4^d p tunne, except it be otherwise specified.
2. Firewood shall pay 2^d p tunne.
3. For stones a 1^d p tunne.
4. For timber, 3^d p tunne.
5. For all caske goods, as fish oyle, or y^e like, of this jurisdic^{ti}ōn, 4^d p tunne.
6. For pipestaves, 6^d p thowsand.
7. For hay, 2^d p loadē.
8. For great catle, in either shipping or landing, 1^d p head.
9. For goates or swyne, a farthing a head.
10. For corne, each q^{ter}, 1^d.
11. For dryed fish, $\frac{1}{2}$ ob kentall; & all goods not included in these shall pay according to their p^{ro}por^{ti}ōns.
12. Y^t w^t goods shall lye on y^e wharfe above 48 howe^{rs} shall be liable to pay wharfrage againe, & so for eūy 48 howe^{rs}.

13. Y^t wood, stones, & all weighty goods shall be landed & orderly sett vpon end, or layd 7 foote from y^e side of the wharfe, vnder the penalty of double wharfrage.

1646.

4 November.

All the above menconed allowances for wharfrage for goods are allowed & confirmed by y^e Cou^rte as meete allowances, & all are to attend these rules in this respect.

[*84.]

*M^r Bozon Allen, on his mocōn, by reason of his great losse in his mill damme, occaōned by the last great storme, was dismissed y^e service of y^e Cou^rte, vnlesse he could conveniently come againe.

B. Allen excused.

M^r Glouer, Cap^t Atherton, & John Wisewell are appointed the three men to end smale controūsyas in the toune of Dorchester for one yeere.

M^r Glover & others to end small matters.

Richard Redman, being indicted by y^e grand jury, & tryed by a petty jury, for being accessory to y^e massacring of Luther, & fower more, in De La Ware Bay, by y^e Indians, he was brought to y^e barr, y^e evidences brought & read before him, to all wth he pleaded not guilty, & was dischargd, paying a butt of sacke for his ransome from y^e Indians. Contradicens to y^e orde^r, Edw: Rawson, Rob: Keayne, Jo: Johnson, W^m Parks, Peeter Bracket, & Le^f Johnson.

Rich^d Redman tried and acquitted.

In ans^r to y^e petiōn of y^e inhabitant^s of Douer, M^r Smith, Le^f Pomfrett, & Jo: Hall are appointed the three men to end smale controūsyas there for this yeere, & M^r Smith is appointed clarke of y^e writts, in y^e roome of M^r Walderne.

Dover inhabitants, petition of.

M^r Bozon Allen, Nicolas Baker, & Nicolas Jacob are appointed the three men to end smale controūsyas in Hingham for this yeere, & Samuell Ward is appointed clarke of the writts there.

B. Allen & others to end small matters in Hingham.

In ans^r to y^e petiōn of y^e toune of Newbery, Edward Rawson is appointed & authorized by this Cou^rte to marry there such as are published according to y^e order of y^e Courte, & during y^e Cou^rts pleasure.

Newbury, E. Rawson allowed to marry.

Itt is ordered, y^t Edward Rawson shall have twenty markes allowed him for his paines, out of y^e next levy, as secr^t to y^e Howse of Deput^s for two yeeres past. By both howses.

E. Rawson, secretary, to have 20 marks as extra pay.

Itt is ordered, y^t Richard Saltonstall, Esq^r, shall have a smale peece of ordinance, in satisfacōn of a debt of nyne pounds, dew to S^r Richard Saltonstall, for amūnition; & w^t y^e said peece shallbe vallewed above tenn pounds by y^e su^rveyor genn^l, y^e said Richard Saltonstall, Esq^r, to retourne in redy mony, for y^e cōntryes vse. By both howses.

R. Saltonstall has ordinance granted.

Itt is ordered, y^t if any pson shall take any tobacco wthin the roome where the Courte is sitting, he shall forfeite, for e^{ch} pipe so taken, 6^d; & if they shall offend againe, in contemning this wholesome order, he shallbe called to y^e barr for his delinquency, & pay double his fyne. Voted.

Agst taking tobacco in y^e roome y^e Court sitts.

1646.

4 November.
Left. Nortons
confirmacon.

[*85.]

Wittnes agst
man stealing.
Negro to be
sent to Guinea.

M^r Frauncis Norton is accepted of & confirmed in y^e place of left to y^e company of Charles Tounne, in y^e roome of Left Sprauge, who is discharged, on his request, therefrom, & Sarg^{nt} Sprauge is accepted & confirmed as ensigne to y^e said company.

*The Genne'all Courte, conceaving themselves bound by the first optunity to beare witnes agst y^e hainous & crying sinn of man stealing, as also to p^rscribe such timely redresse for w^t is past, & such a lawe for y^e future as may sufficiently deterr all others belonging to vs to have to doe in such vile & most odious courses, justly abhorred of all good & just men, doe order, y^t y^e negro inter^rpt^r, wth othe^rs, unlawfully taken, be, by the first optunity, at y^e chardge of y^e country for p^rsent, sent to his native country of Gynny, & a letter wth him, of y^e indigna^con of y^e Courte thereabouts, & justice thereof. Y^e p^rsecuting of this order is left to y^e care of our honno^red Gou^rn^r for p^rsent. By both howses.

Deput^e oath on
Redman's trial.

In y^e case of Redman, being on his tryall for being accessory to y^e murder of Luther, & y^e rest wth him, y^e Deput^e entered into this oath of God, herevnder written, except such as had share in y^e goods lost in y^e vessell, viz.: Wee doe sweare by y^e dreadfull name of y^e living God, y^t in this case, conce^rning y^e tryall of Redman, about the murder of Luther & y^e rest by y^e Indians, wee will deale v^rightly & justly, according to our judgm^{nt}s & conscience, y^e lawes of this jurisdic^con, & y^e evidence y^t shallbe given, as neere as wee can. So helpe vs God, &c.

M. Scarboro'
petition grant-
ed.

In answer to y^e peti^con of Mary Scarborough, wyddow, the Courte graunted hir, & hir husband y^t shallbe, libe^rty to sell y^e howse & land of hir late husband, John Scarborough, in Roxbury, & make a good title thereto; provided, y^t hir husband give in security to bring vp the children of y^e said John Scarborough. By both howses.

Gou^rn^rs sti-
pend.
D. Gov^r com-
pensated.

The Courte thankfully acknowledgeth y^e good service our honno^red Deput^e Gou^rn^r hath donne, in y^e place of y^e Gou^rn^r, y^e last yeere, & are not a litle troubled, y^t y^e many p^ressing v^rgent necessities & necessary chardges of y^e collony are such as to intervene betweene his deserved merritts & y^e just recompence wth this Courte is vsed to allowe, but beleeving he is no lesse sencible of the p^rmisses then ourselves, doubt not of his loving acceptance of so slender an acknowledgment, have thought meet to order, y^t our honno^red Dep^t Gou^rn^r shall be allowed, out of the next levy, the some of sixty pounds. By both howses.

Committee for
lawes.

It is ordered, y^t our honno^red Gou^rn^r, Rich Bellinghm, Esq^r, M^r Hibbings, M^r Hill, & M^r Duncan, or any three of them, meeting the other, having notice thereof, shallbe a comⁱttee to pvse, examine, compare, tran-

scribe, correct, & compose, in good order, all y^e libe^tyes, lawes, & orders extant wth vs; &, farther, to p^rse & p^rfect all such others as are drawne vp, & to p^rsent such of them as they judge necessary for vs, & to suggest w^t they deeme needfull to be added, as also to continew & contrive some good method & order, by titles & tables, for y^e compiling the whole, so as wee may have recourse readily to any of them vpon all occa^sions, whereby wee may manifest our vtter disaffec^on to arbitrary gou^rnment, y^t so all rela^ons be safely & sweetely directed, & p^rfected in all their just righ^ts & priuiledges, desiring thereby to make way for printing our lawes, for more publicke & p^rffitable vse of vs & our successo^rs. By both howses.

1646.

4 November.

*This Cou^rte, being informed y^t some p^rsons, more seeking their oune p^rivate advantage then the good of the publicke, doe intend to transporte rawe hides, &c, doe heereby order & enacte, y^t no p^rson shall deliver aboard any shipp, or other vessell, directly or indirectly, any rawehide, or leather vnwrought, wth intent to have y^e same transported out of this iurisdic^on, vpon paine to forfeite the same, or the vallew thereof. And y^t no master of any shipp, or vessell, shall receave any rawe hide, or leather, directly or indirectly, aboard his shipp or vessell, to be so transported, vpon the like penalty. This order to be forthwth published at Boston & Charles Towne, by setting vp the same vpon the meeting house doores, & vpon the maine mast of y^e shipp now bound for England, & of other shippes hereafter, as occa^sion shall require, otherwise the m^r shall not incurre y^e penalty, except he be an inhabitant in this iurisdic^on; p^rvided always, y^t it shallbe at libe^ty for any p^rson, strainger or othe^rs, to transport any hides, or skynnes, y^t shallbe brought hither from other p^rts, beyond seas, by way of merchandize. By both howses.

[*86.]

Transporting
of leather or
raw hides pro-
hibited.

Itt is ordered, y^t y^e peti^one^rs shall be required to appeare before the Courte, to receave their chardge, & give in their answe^rs, on y^e next third day of y^e weeke. By both howses.

Edward Goffe, Jn^r Johnson, & W^m Parkes are appointed a comⁱttee to treate wth M^r Sparhawk, or any o^thers whom they shall thinke fitt, about such parcells of lands w^{ch} they judge meete to purchase for the incouragment of y^e Indians, to live in an orderly way amongst vs, & to orde^r y^e payment thereof out of the treasury, out of the first guift, for y^e good of Indians; y^e chardge of this purchase be repaid to y^e country, seting doune some rules for y^r impving & enjoying thereof. By both howses.

Comission to
purchase lands
for y^e Indians
wth M^r Shepp^r,
M^r Allin, and
M^r Elliott.

Cap^t Atherton & W^m Parkes are chosen a comⁱttee to treate wth y^e cap^t of y^e Castle about the hostages, & w^t they shall agree vpon wth him he shallbe satisfied out of the treasury, w^{ch} is to be paid back againe by all the collonyes. By both howses.

Committee on
hostages at the
Castle.

1646.

4 November.

Day of humili-
ation appoint-
ed.

In ans^r to y^e peti^cōn of W^m Wymbourne, fforty shillings of the three pounds fyne imposed on him, for drawing of beere wthout a licence, was remitted him. By both howses.

Itt is ordered, y^t the 24th day of the next 10th m^o shall be sett apart throughout this jurisdic^cōn for a day of humillia^cōn, wth respect to y^e hazordous estate of our native country, y^e trowbles thereof, y^e sad condi^cōn of y^e church at Barmuda, & y^e weighty cases in respect of our churches & co^monwealth, wth reference to any that seeke to vnde^rmyne y^e libe^rties of Gods people here in either or both.

[*87.]

*Itt is ordered, y^t y^e lawe made in y^e 9th m^o, 1644, for y^e bringing seuerall psons of worth in y^e country to an orderly elec^cōn, should be putt in execution for this yeere ensewing, save only the time for y^e meeting at y^e shier townes is chANGED from y^e last 5th day of y^e last month to y^e 2^d 4th day of the first moneth, & so till y^e last third day of y^e first month.

Way to elect
new magis^{ts}.

Whereas there is an order in force, y^t no man shallbe put to the vote for a majest at y^e elec^cōn but such as are nominated at y^e Gennerall Courte next before the w^{ch} orde^r is hereby repealed, and for an orderly p^rceeding in a way of nomina^cōn, that each free man may have his full libe^rty in voting, itt is ordered, y^t the freemen of this jurisdic^cōn shall meete in their seuerall townes wthin two months after the date hereof, to consider of whom they would nominate to be putt to vote vpon the day of elec^cōn for new magis^{ts}, to the noub^r of seven ; at w^{ch} meeting e^vry freeman shall have libe^rty to putt in his vote for whom he thinketh fitt, all w^{ch} votes shallbe sealed vp at y^t meeting, & sent by some one or two, whom they shall choose, to y^e shier townes in each shier vpon y^e 2^d 4th day in y^e 11th m^o, at w^{ch} meeting y^e said select men of e^vry toune, by whom y^e votes being brought, shall not have power to open them, being sealed vp as before, but shall choose one or two from amongst themselves, by whom they shall send y^e aforesaid votes, being sealed vp all in one paper, vnto Boston, on y^e last third day of the first month, at w^{ch} meeting there shallbe two magis^{ts}, before whom the p^roxyes shall be opened & sorted ; & those psons nominated for majes^{ts} that have most votes, to the noub^r of seuen, shallbe they that shallbe putt to y^e vote at y^e day of elec^cōn, & y^t such as have most votes to be first nominated & putt to elec^cōn, y^t the freemen may know for whom to send in their p^roxyes. The select men of e^vry shier being at this meeting shall take care to send to y^e select men of e^vry toune whom they be y^t are to be putt to vote, w^{ch} select men of e^vry toune shall call a meeting of their townes, & acquainte them whom they are, that so the freemen may have time to consider of them, & send in their p^roxyes accordingly ; & no other shallbe putt to vote but such as are agreed vpon, as before. By both howses.

Itt is ordered, y^t M^r Dunster shallbe allowed 100^{li}, & paid him out of the next country levy, in p^{te} of his debt, o^u & besids y^e 18^{li} w^{ch} is dew to M^r Samu^{el} Shepheard, w^{ch} y^e audito^r affirmes care is taken for the satisf^y thereof. By both.

1646.

4 November.
M^r Dunster a
100^{li}.

Itt is ordered, y^t y^e levy y^t shall issew out of this Courte shallbe paid into the tresury in corne, in their seuerall graines, at the prizes w^{ch} the last rate was paid in. By both howses.

*For y^e avoyding of all complaints, by reason of vnæquall rates, either of townes or p^{sons}, occa^{si}oned thorough y^e want of one genn^l rule & way of rateing throughout y^e country, & that levyes hereafter maybe more easy, æquall, & certaine, itt is hereby ordered, y^t in all publicke rates, till this Courte take further order therein, all sort^s of catle shallbe vallew^d as hereafter is exp^{ss}ed, viz.: cowes 4 yeeres old & vpwards, at 5^{li}; heife^s & steeres betweene 3 & 4 yeeres old, at 4^{li}; heife^s & steeres betwixt 2 & 3 yeeres old, at 3^{li}; & betwixt one & 2 yeeres old, at 2^{li}; oxen 4 yeeres & vpwards, at 6^{li}; horses & mares 4 yeeres old & vpwards, at 7^{li}; 3 yeeres old, 5^{li}, betwixt 2 & 3 yeeres old, 3^{li}, betwixt one & two yeeres old, 40^s; sheepc above a yeeres old, 30^s; goates above a yeere old, 8^s; swyne above a yeere old, 20^s; asses above a yeere old, 40^s; howses, lands of all sortes, marchantable goods, mills, shipp^s, lesser vessells, boates, cranes, wharfes, together wth all other visible estate, reall & p^{son}all, y^t any p^{son} is possessed of, either at sea or heere a shore, or hath in his custody, to be vallew^d in the seuerall townes acording to their worth in the said places where they are, p^{por}cionable to the aforesaid prizes of catle. And it is y^e meaning of this order, y^t becawse arrable land, meadow, & catle are to be rated, that therefore hay & other fodder for catle, togethe^r wth all corne growing in y^e country, in y^e husbandmans hand, shall not be liable to any rate. And for avoyding all partiallity in rateing lands & other estate, not p^{ti}cularly prized in this order, itt is ordered, y^t there shallbe, by eu^{ry} toune, one of their inhabitant^s chosen by the freemen of y^e said toune, who, wth y^e select townesmen, shall take the just n^umber of their males, & also shall make a true v^{al}uation of all things rateable by this order; w^{ch} inhabitant^s aforesaid, for their seuerall townes respectively, shall meete at their sheire townes vpon y^e 2^d 4th day of y^e last month next ensewing, to examine the truth & acquity of each townes p^{ce}eding heerein, who shall correct & determine as to y^e majo^r p^{te} of them seemes right & just to be donne, acording to the true intent & meaning of this order; w^{ch} assessment^s of y^e seuerall townes they shall, vnder their hands, forthwith deliuer to y^e Tresur^er, who shall forthwith also send forth his warran^t for y^e levying the same wthin two months,

[*88.]

Estimate of all
property for
taxing equally
to be taken.

1646.

4 November.

whereby he may have to answer y^e ingagemen^{ts} of the country. And all assessmen^{ts} for estates shall henceforth be maid the first 4th day of the 6 month from time to time, but all levyes for the psons shallbe maid & payd vnto y^e Tresurer in the first month, from yeere to yeere, as is provided, in the orde^r abovesaid.

[*89.]

The rates proportioned.

Way of rating.

*That a dew pporcōn may be had in all publicke rates, itt is ordered, y^t eūy male wthin this jurisdicōn, servant & other, of the age of 16 yeeres & vpwards, shall pay yeerely vnto the cōmon treasury y^e some of 20^d, & so in some pporcōnable way for all estates, viz. : Y^t all & eūy pson that have estates shall pay one penny for eūy twenty shillings estate, both for land & goods, & y^t eūy laborer, artificer, & handicrafts man y^t vsually takes in sūmer time above 18^d p y^e day wages, or worke by the great, w^{ch} by dew valluaōn amounts to more then 18^d p day, shall pay p an^d three shillings fflower pence vnto the treasury ouer & besides the 20^d before mentioned, & for all othe^rs not p^ticularly herein exp^{re}s^sed, as smiths of all sorts, butchers, bakers, cookes, victuallers, &c., according to their retournes and incomings, to be rated pporcōnably to y^e p^{ro}duce of y^e estates of other men, provided y^t such as are poore by sicknes, lameness, or other infirmity w^{ch} makes them vncapable of such rates, are hereby exempted, as also such servants & children as take no wadges, their m^{tr} or parents shall pay for them, but such as take wages shall pay for themselves; the order for exemption of majestrates for 500^{li} estate to abide in force notwthstanding. And hereby power is given to y^e Treasur^{er} for the yeere being, by warrant to y^e constable, in defect of payment, to attach psons, in case goods or lands cannot be found, and also to seize lands or goods for such rates, yett not to medle wth lands where sufficyent estate of goods or chattells appeare. By both howses.

Shute & Saltonstall case.

Itt is ordered, all things being examined & heard y^t was brought in y^e case of M^r Shurte, plantiffe, & Rob^t Saltonstall, gen^t, def^t, about a mortgage of an howse called Wanne^tons howse, w^{ch} of their mortgages was valid, and determined y^t Rob^t Saltonstalls mortgage is valid, & to be p^{re}ferred before y^e mortgage of y^e said M^r Shurte. By both.

Fowle & Smith, proceedings on.

M^r Fowle, being bound for England, & M^r Smith, of another jurisdicōn, the Courte sent for them to vnderstand their answ^r to y^e matter of y^r peticō, w^{ch} was by them & others exhibited to y^e Courte in y^e 3^d month last. Being asked by y^e Goūⁿ whether they ouned it, or sawe any evill in it w^{ch} they would retract, after y^e Goūⁿ declared to y^e Courte, they would be willing to take satisfacōn of them, they answered they stood to justify y^e same, being demanded to give in 100^{li} security to be responsall to y^e judgm^t of y^e Courte; being they were not, or might not be, here when the Courts leasure was to

proceede therein, & they were loth to stay, either of them, from such occasions as they had vnde'tooke, M^r Smith spake, & said he would not give in security, but did appeale to y^e gen^l comission^{rs} for plantacons, & would engage himself to psecute it; & so said M^r Foule, in y^e same exp^{ss}ions. Being asked by y^e Gofin^r whethe^r they did appeale wth deliberacon, they answered, Yea. Being called in, & demanded againe to give in security to answer y^t matte^r of y^e peti^{ti}on, they refused to answer, M^r Foule saying, if y^e Courte shall drawe vp any chardg ag^{nt} them as doing wrong to y^t Courte, the Courte were p^{re}tees, & not competent judges; the^{re}fore they stood to their appeale for competent justice. Y^e Courte comitted them to y^e custody of the m^{rs}hall till y^e gaue security to be responsall to y^e judgm^t of y^e Cou^{rt}e.

*The comitte^e, having considered y^e contro^{ver}sie betwene the jurisdic^{ti}on of Hartford, vpon Coⁿⁿecticut, & the inhabitants of Springfield, on y^e same river, touching either the purchase of y^e fort, &c, at the riuers mouth, or the pay-ment of such customes as is or shall be imposed vpon them towards the main-tenance of the same, doe declare their judgm^{ts} as followeth:—

1. They conceave y^t y^e jurisdic^{ti}on of Hartford, vpon Coⁿⁿecticut, had not a legall power to force any inhabitant of another jurisdic^{ti}on to purchase any fort or other lands, out of their jurisdic^{ti}on, wthout their consent.

2. They conceave y^t it were injurious to require custome to y^e maintenance of such a forte, w^{ch} is not vsefull to such of whom it is demanded.

3. They thinke it very vnæquall for them to impose a custome vpon their freinds & confederates, who have not more benefitt of the river, by exporting & importing of goods, &c, then strainge^rs of anothe^r nation, who (though they live wthin Hartford jurisdic^{ti}on) pay none.

4. The ppounding & standing vpon an imposi^{ti}on & custome, to be paid to y^e riuers mouth by such as were, or are, wthin our jurisdic^{ti}on, hindered our confederacion above tenn yeeres since, & there neu^{er} any paid to this day; & now to impose it on any of our confederacion will putt us to new thought^s.

5. Itt seemes to vs very hard y^t any of our jurisdic^{ti}on should be forced to such a bondage as will nessessarily intrall their posterity, by imposing such rates & customes as will either constraine them to dep^t their habitacons or weaken much their estates, especially when, as they wth the first tooke possession of the river, & were at great chardge of building, &c, which, if they had foreseene, would not there have planted.

6. If Hartford jurisdic^{ti}on shall make vse of their power ou^{er} any of ours, wee conceave wee have the same power to imitate them in y^e like kind, w^{ch} wee desier may be forborne on both sides. The whole Courte approoves of this retourne. By both.

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4 November.

[*90.]

Committee's
report on the
controversy be-
tween the in-
habitants of
Massachusetts
& Connecticut

1646.

4 November.

[*91.]
 High charges
 against Dr
 Child & others.

Itt is resolved on y^e question, & by y^t vote, y^t such deput^s as meete at any time, when y^e Courte shallbe adjourned to a sett hower, have power to fine y^e rest y^t shallbe absent at that time, though they be y^e major pte that be absent.

*The petiçōn's, appearing before the Courte, heard their petiçōn read, out of w^{ch} the Courte gave them this chardge. The Courte doth chardge Doctor Child, M^r Thomas Fowle, M^r Samuell Maueriecke, M^r David Yale, M^r Thomas Burton, M^r Jno: Smith, & M^r Jno: Dande, wth wth difuse falce & scandalous passages in a certaine paper, intituled a remonstrance & petiçōn exhibited by them to this Courte, in y^e 3^d month last, ag^{nt} y^e churches of X^t & y^e civill goūment here established, derogating from the honnor & authority of y^e same, & tending to sedition, as in y^e p^ticule's following will appeare:—

1. They take vpon them to defame our goūment, & controll both the wisdom of y^e state of England, in the frame of our charter, & also y^e wisdom & integrity of this Courte, in chardging our goūment to be an ill compacted vessell.

2. They open the afflictions w^{ch} God hath pleased to exe^ccise vs wth, & y^t to y^e worst appearance, & impute it to y^e evill of our goūment.

3. They chardge vs wth manifest injury to a great pte of the people here, pswading them y^t y^e libertyes & p^riviledges in our charter belong to all freeborne English men, inhabitants heere, whereas they are granted only to such as y^e Goū^r & Company shall thinke fitt to receave into y^t fellowship.

4. They closely insinuate into the minds of y^e people that those now in authority doe intend to exe^ccise an vnwarranted dominion & an arbitrary goūment, such as is abominable to y^e Parliament, & y^t party in England, thereby to make them slaves; & to hide themselves, they p^tend it to be y^e jelousyes of others, w^{ch} tends to stirr vp co^motion. They tell them of intollerable bondage to ensew.

5. They goe about to weaken y^e authority of our lawes, & y^e reſend esteeme of them, & consequently their obedience to them, by pswading the people, through want of y^e body of English lawes, & p^tly through y^e insufficiency or ill frame of those wee have, they cann expect no sure enjoyment of their lives & libe^ties vnder them.

6. They falcelly chardge vs wth denying liberty of votes, in cases where wee allowe them, as in choyce of millitary officers, w^{ch} is co^mon to the non freemen wth such as are free.

7. Their speeches tending to sedition, by insinuating into peoples minds there are many thousands secretly discontented at y^e goūment, &c, whereby those w^{ch} indeed were so may be emboldened to discou^r themselves, & to

attempt some innova^{ti}on, in confidence of so many thousands redy to joyne wth them, & so to kindle a great flame, y^e foretelling whereof is a cheife meanes to kindle it.

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8. *They raise a falce reporte & fowle slaunder vpon y^e discipline of our churches, & vpon y^e civill gou^{er}ment, by affirming y^t y^e frame & dispensa^{ti}on, thereof are such as goodly, sober, peaceable, &c, men cannot live heere like X^tians, w^{ch} they seeme to conclude from hence y^t they desier liberty to remoo^{ve} where they may live like X^tians.

[*92.]

Continuance of
the charges
against Dr.
Child and oth
ers.

9. They doe, in effect, chardge this gou^{er}ment wth tyranny in impressing their p^{er}sons into y^e warres, comitting them to prison, fining, rateing them, & all vnjustly & illegally.

10. They falcelly chardge & slaunder the people of God in their affirming y^t X^tian vigilancy is no way excersised towards such as are not in church fellowship, whereas themselves know, & have had experience to y^e contrary; & if they had discerned any such failing, they ought first to have complayned of it in private to y^e elders or bretheren of such churches where they have binn so neglected, w^{ch} wee may well thinke they have not donne, nor had any just cawse thereof.

11. Having throune all this shame & dirte vpon our churches & gou^{er}ment, they endevo^r to sett it on, that it might sticke fast, so as all men maight vndowbtedly be pswaded of the reallity thereof, by p^{ro}claiming it in their conclu^{si}on y^t our oune bretheren in Eng^ld have full indigna^{ti}on ag^{ai}nt vs for the same, w^{ch} they laboured to confirme by y^e effect thereof, that for those evils amongst vs, therefore our oune brethren doe fly from vs as from a pest.

12. Lastly, that it may yett more cleerely appeare that those evils & obliquities w^{ch} they chardge vpon our gou^{er}ment are not the meere jelousyes of others, but their oune aprehen^{si}ons, (or pretences rather,) they publickly declared their disaffec^{ti}on thereto, in y^t, being called by y^e Courte to render an accompt of their misap^{re}hen^{si}ons & evill exp^{re}ssions in the p^{re}misses, they refused to answer, but by appealing from this gou^{er}ment, they disclaymed the jurisdic^{ti}on thereof before they knew wther [^] would given any sentence ag^{ai}nt them or no.

Gen^t: Wee rec^d yo^r letter of May, 1646, concerning your affaires in y^e iron workes here, whereby wee p^{er}ceive yo^r discontent wth y^e last agreement wee made wth yo^r agent, M^r Leader, & vnde^r y^t p^{ro}voca^{ti}on (as yow seeme to ap^{re}hend it) wee find yo^r stile more sharpe & your conclu^{si}ons more peremp^{to}ry then rationally, (as wee conceive,) but wee conside^r yow have binn hitherto loose^s, & therefore may take leave to speake. For yo^r good affec^{ti}on to our

M^r Leader,
agent for iron
workes, letter.

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[*93.]

collony, wee doubt not but it was one principall mo^oon w^{ch} drew yow to this vndertaking, & wee desire euer to p^rsent a gratefull memory thereof, as manifested both by this & other *forraigne testimonyes; but forasmuch as these y^t are neerest y^e obiect are best able to discerne y^e forme & coulour thereof, so yow may vouchsafe to heare our opinions of such conclu^sions as yow have made to yo^rselves, wherevpon yow have taken vp such hard conceites of our compliaunce wth yow: for y^e p^ricule^r grievances yow insist vpon, wee have declared our forwardnes to embrace & nourish your good will by our ready yeilding a redresse of most of them, w^{ch} wee had donne before if wee had supposed yow had reposed so much in them for yo^r advantage as yow now seeme to doe; y^e like wee would have donne before by the rest, if they had not much more p^rcured our welfare then yo^r advantage. Wee acknowledge wth yow, y^t such a staple co^modity as iron is agreat meanes to enrich y^e place where it is, both by furnishing this place wth y^t co^modity at reasonable rates, & by bringing in other necessary co^modities in exchange of iron exported; but as wee vse to say, if a man lives where an oxe is worth but 12^d, yett it is ne^r the cheaper to him who cannot gett 12^d to buy one, so if your iron may not be had heere wthout ready mony, w^t advantage will y^t be to vs, if wee have no mony to purchase it? Itt is true, some men have here Spanish mony sometimes, but litle comes to our smiths hands, especially those of inland tounes; & yourselves well know, y^t so long as our ingate exceeds our outgate, y^e ballance must needs be made by much wthin such a p^rpor^sion as it is wth vs, cann leave vs but litle mony once in y^e yeere; w^t monyes our smithes cann gett yow maybe sure to have it before any other; but if wee must want iron so often as our mony failes, yow may easily judge if it were not better for vs to procure it from other places (by our corne & pipestaves, &c) then to depend on y^e coming in of mony, w^{ch} is ne^r so plentifull as to suply for y^t occa^sion; & for y^e other benefitt w^{ch} vsually by staple commodities, itt is true if yourselves dwelt amongst vs, such advantage would be very great; but when y^e p^rceed of w^t shallbe exported ne^r retournes to y^e country, when shall wee expect our advantage? Somw^t indeed will fall by y^e way, w^{ch} willbe expended vpon workemen & p^rvions; but y^t will hardly recompence y^e wood & timber w^{ch}, being in y^e harte of y^e tounes, would have binn of some worth to vs, if but to save y^e carriage of fetchting it so much farther, though our lands should not come into vallua^sion, w^{ch} yett is knoune to be of good worth in those tounes where yo^r p^rsent workes are; for y^e other p^riculers wherein wee haue not graunted yo^r mo^oon, *viz., y^e liberty for y^e whole time to sett vp yo^r workes, the reason of our declaring it is, if those 6 workes should take vp all our fitt places, & when yo^r

[*94.]

terme is expired, some of ours should have meanes to erect any such worke, wee should loose y^e benefitt thereof, &c; these consideracons wee referr to yo^r further thoughts, hoping y^t yow will so concurr wth vs therein as all future difference maybe avoyded, w^{ch} wee are very vnwilling to entertaine wth such of our loving freinds (as wee accompt yow to be) & yo^rselves in psecution of yo^r reall intencons of our advantage, will please to find out so aequall a way whereby our occacons may be comfortably suplyed, & yourselves encouradged & inabled to pceed on in yo^r vndertakings by the blessing of y^e Lord, vpon w^{ch} our poore prayers are not wanting to. So wee remayne, &c.

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Massachusetts in N: Engtd.

Whereas Samuell Gorton, John Greene, & Randal Houlden, by peti^{con} & declara^{con} exhibited to y^e right honorable y^e Earle of Warwicke, go^{vn} in cheife & co^{missioners} for fforraigne plantacons, as members of y^e high Courte of Parliament, have chardged di^{use} falce & scandalous matters ag^{nt} vs, wherein their honnors have binn pleased to give vs notice, & doe expect our ans^w for cleering y^e same, wee therefore, the Go^{vn} & Company of Massatusetts aforesaid, assembled in our Gennerall Courte, being carefull to give all dew respect to his lord^{sh} & y^e honorable co^{mission}^{rs}, & having good assurance of the wisdom & faithfullnes of yow, our worthy & loving freind, M^r Edward Winslowe, doe heereby give power & co^{mission} to yow to appeare before his lord^{sh} & co^{mission}^{rs}, & p^{senting} our most humble duty & service to their honnors, for vs, & in our names, to exhibit our just remonstrance in way of ans^w to y^e said falce & vnjust chardge of the said Gorton, &c, & by the same & other writtings & instruccons deliuered vnto yow vnder the hand of M^r Increase Nowell, our secre^t, to informe their honnors of y^e truth & reasons of all our pceedings wth y^e said Gorton, &c, & wth y^e disposi^{con} & behaviour of y^e said Gorton, &c, so as our innocency & y^e justice of our pceedings may appear to their honnors satisfac^{con}, & if any other complaint in any kind have binn or shallbe made ag^{nt} vs before the said co^{mission}^{rs} or the high Courte of Parliament, yow have heereby like power & co^{mission} to ans^w on our behalf according to yo^r instruccons; & wee humbly crave of y^e high Courte of Parliament & of y^e honorable co^{mission}^{rs}, that they will vouchsafe our said co^{mission} a free liberty of seasonable accesse as occa^{con} shall require, & a favorable hearing wth such credit to such writtings as he shall p^{sent} in our names, vnder the hands of our said secre^t, as if wee had p^{sent}ed them in pson, vpon y^t faith & credit wth wee would not willingly violate for all worldly advantage; & y^t our said co^{missioner} *may finde such speedy dispatch, & maybe vnder such safe ptec^{con} in his stay & retourne as the honorable Courte vseth to

M^r Winslow, his co^{mission}, &c., to answer to certain charges brot: against the government.

[*95.]

1646. afford to their humble subiects & servants in like cases. In testimony
 hereof, we have cawsed our comon seale to be herevnto affixed. Dated this
 4 November.

Dr Child & oth-
 ers, further
 ceedings there-
 on.

The Courte, vpon consideraçon of y^e petiçõe's to their chardge, doe finde
 y^t they are all depely blameable, both in respect to their remonstrance &
 petiçõn, excepting M^r Mavericke, who is not blame worthy in y^e matter of ap-
 peale, & further finde some of the petiçõn^{rs} more guilty then othe's, & there-
 fore thinke it just y^t as they finde y^e nature of their offences to be, so they
 should receive their censures.

Docto^r Childe, as being guilty not only of his offence in the
 matter of appeale & remonstrance, but also in chardging
 y^e Cou^rte wth breaches of p^riviledges of Parliament, & con-
 temptuous speeches & behaviou^r towards them, is fined
 fifty pounds. 050^l 00^s 00^d

M^r Smith, as being guilty of y^e same chardge wth y^e rest, & also
 seuerall misdemeano^{rs} towards y^e Cou^rte, being of another
 jurisdicçõn, & therefore had y^e lesse cawse to complayne,
 is fined fferty pounds. 040^l 00^s 00^d

M^r Foule, M^r Yale, M^r Burton, & M^r Dande, ffor chardging y^e
 Cou^rte in the p^rticulers according to y^e chardge drawne vp,
 are fined thirty pounds apeece. 120^l 00^s 00^d

M^r Mauericke, for chardging y^e Cou^rte as he doth in y^e remon-
 strance, according to y^e chardge drawne vp ag^{nt} y^e pe-
 tiçõn^{rs}, wth some vnbeseeeming miscarriadges wth y^e deput^s,
 tending to make diviçõn there, is fined 010^l 00^s 00^d

Itt is ordered y^t such of y^e petiçõn^{rs} as shall make an ingenuous &
 publicke acknowledgmen^t of their misdemeano^{rs}, it shall be accepted as satis-
 facçõn for their offences, & their fines not taken.

This order was published to them when y^e judgment of y^e Cou^rt was de-
 clared; but they all (except M^r Foule, then at sea) refused it. By both howses.

The contradicentes of such membe^{rs} of y^e Courte as agreed not wth y^e
 judgment of y^e Courte about y^e petiçõners were Richard Russell, Hen: Bar-
 tholmew, Bozon Allen, Joshua Hubbard, & Edward Carleton.

Marshall fees
 for small sums.

Whereas there appeares some defect in y^e lawe made 2: 9 m, 37, in y^t
 no p^rviçõn is made for dew recompence to y^e marshall in case where he
 shall bee forced to travaille farr for y^e levying of a smale somme, itt is now
 ordered y^t in e^{ch}y such case, where the ffees appointed for y^e levying of any

execu^cōn, or fyne, or other summe for publicke vse will not answer the trav-
aile, &c, in regard of y^e distance of place, y^e marshall or other office^r shall have
power in such case to demand 6^d y^e mile, & to levy the samē vpon refusall, &c.

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Itt is ordered, y^t Lef^t Tory, John Whitman, & Tho: Dyer shall have
powe^r to end smale controvsies vnder 20^s, for y^s yeere, in Weimouth, & Lef^t
Tory is appointed clarke of y^e writts there. By both howses.

Weymouth,
small causes.

*To y^e Right Honno^{ble} Robt Earle of Warwicke, Gou^{rn}r in cheife, lord admi-
rall, & other y^e lords & gen^t, cōmission^{rs} for forraigne planta^cōns. The
humble peti^cōn & remonstrance of y^e Gou^{rn}r & Company of y^e Mathatu-
setts Bay, in New England, in America.

[*96.]

In way of ans^r to y^e peti^cōn & declara^cōn of Sam: Gorton, Randall Houlden,
& John Greene, &c.

Whereas, by virtue of his ma^{ty} charter, graunted to yo^r peti^cōn^{rs}, in y^e
4th yeere of his highnes raigne, wee were incorporated into a body politicq,
wth diūse iūnities & priuiledges, extending to y^t p^{te} of New England where
wee now inhabite, wee doe acknouledge, as wee have alwayes donne, & as in
duty wee are bound, y^t although wee are remooved out of our native country,
yett wee still have dependance vppon y^t state, & owe allegiance & subiec^cōn
therevnto, according to our charter; & accordingly wee have mourned & re-
joyced therewth, & have held freinds & enemyes in cōmōn wth it in all y^e
changes w^{ch} have befallen it; our care & indevor also have binn to frame our
gou^{rn}ment & administrac^ōns to y^e fundamentall rules thereof, so farr as y^e dif-
ferent condi^cōns of this place & people, & y^e best light wee have from y^e word
of God, will allowe; & whereas, by order from yo^r honno^s, May 15, 1646,
wee find y^t yo^r honno^s have still this good opinion of vs as not to creditt
what hath binn informed ag^{nt} vs, before wee be heard, wee render humble
thanks to yo^r honno^s for y^e same. Yett, forasmuch as our ans^r to y^e infor-
ma^cōn of y^e sd Gorton, &c, is expected, & something also required of vs, w^{ch}
in all humble submission wee conceave maybe p^{ri}udiciall to y^e libertyes
graunted vs by our charter, & to our well being in this remote p^{te} of the
world, vnder y^e comfort whereof, through y^e blessing of y^e Lord & his ma^{ty}
favo^r, & y^e speciall care & bounty of y^e high Courte of Parliament, wee have
lived in peace & p^{ro}sperty these 17 yeeres. O^r humble peti^cōn in y^e first place
is, y^t our p^{re}sent & future conformity to yo^r orders & direc^cōns maybe accepted
wth a salvo jure, y^t when times maybe chaunged, (for all things here belowe
are subiect to vanity,) & other princes or Parliaments may arise, y^t gennera-
cōns succeeding may not have cawse to lament, & say England sent our fa-
thers forth wth happy libertyes, w^{ch} they enjoyed many yeeres, notwthstanding

Petition and
remonstrance
to Earl War-
wick & com-
missioners.

1646.

4 November.

[*97.]

all y^e enmity & opposiçōn of y^e placy & other potent adversaries ; how came we, then, to loose them vnder y^e favo^r & p^{ro}tecçōn of y^e state, in such a season, when England itself recouered its oune, in freto viximus, in portu morimur. But wee confide in yo^r honno^rs justice, wisdom, & goodnes, y^t our posterity shall have cawse to rejoyce vnder y^e fruite & shelter thereof, as ourselves & many others doe, & therefore are bold to re^{pr}esent to yo^r honno^rs our apphen^{si}ōns wherevpon wee have thus p^{re}sūmed to petiçōn yow in this behalfe. Itt appeares to vs by y^r, *y^t wee are conceaved to have transgressed our limitts by sending souldiers to fetch in Gorton, &c, out of Shawwamett, in y^e Narragansett Bay. 2. Y^e wee have either exceeded or abused our authority in banishing of them out of our iurisdicçōn when they were in power. For the first wee hereby crave, for your better satisfacçōn, that your honno^rs will be pleased to p^{ro}se what wee have delivered to y^e care of M^r Edward Winslow, our agent or cōmissioner, whom wee have sent of purpose to attend yo^r honno^rs, concerning our p^{ro}ceedings in y^t affaire, & y^e grounds thereof, w^{ch} are truly & faithfully reported, & y^e letters of y^e said Gorton & his company, & other letters conc^{er}ning him, faithfully copped out, not verbatim only, but even litteratim, according to their oune bad English. Y^e originalls wee have by vs, & had sent them but for casualty of y^e seas. Thereby it will appeare wth the men are, & how vnworthy your favo^r; thereby also will appeare the wrongs & p^{ro}vocations wee receaved from them, & our long patience towards them, till they became our p^{ro}fessed enemyes, wrought vs disturbance, & attempted our ruine, in w^{ch} case our charter, as wee conceive, gives vs full power to deale wth them as enemyes by force of armes, they being then in such place where wee could have no right from them by civill justice, w^{ch} y^e cōmission^rs for, &c, finding, & y^e necessity of calling them to an accomp^t, left the buisnes to vs to doe; for y^e other p^{ar}ticular in yo^r honno^rs order, viz^s, y^e banishment of Gorton, &c, as wee are assured vpon good grounds y^t our sentence vpon them was lesse then their deserving, so wee conceive wee had sufficient authority by our charter to inflict the same, having full and absolute power & authority to punish, pardon, rule, gouverne, &c, graunted vs therein. Now, by occaçōn of y^e said order, those of Gortons company beginn to lift vp their heads, & to speake their pleasures of vs; threatening y^e poore Indians, who, to avoyd their tyranny, had submitted themselves & their lands vnder our p^{ro}tecçōn & goūment; & diūse other sachems, following their example, have donne the like; & some of them brought by y^e labors of one of our elders, M^r John Eliott, (who hath obtayned to preach to them in their oune language,) to good forwardnes, in imbracing y^e knowledge of God in X^t Jesus; all w^{ch} hopefull beginnings are like to be dashed, if Gorton, &c, shall bee counte-

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nanced & upheld ag^{nt} them & vs, w^{ch} also will indanger our peace here at home; for some amongst ourselves, men of vnquiett spiritts, affecting rule & innova^{on}, have taken bouldnes to pferr scandalous & seditious peti^{on}s for such libertyes as neither our charter, nor reason, nor religion will allowe; & being called before vs in open Courte to give accom^t of their miscarriage therein, they have threatned vs wth yo^r honno^s authority, & before they knew whether *wee would pceede to any sentence ag^{nt} them or not, have refused to answer, but appealed to yo^r honno^s. Y^e copy of their petition, & our declaration therevpon, our comission^r hath ready to p^sent to yow when your leisure will p^{mi}tt to heare them. Their appeals wee have not admitted, being assured y^t they cannot stand wth y^e liberty & power graunted vs by our charter, nor willbe allowed by yo^r honno^s, who well know it would be destructive to all go^ument, both in y^e honnor & also in y^e power of it, if it should be in y^e liberty of delinquents to evade y^e sentence of justice, & force vs, by appeales, to ffollow them into England, where the evidences & circumstances of facts cannot be so cleerely held forth as in their p^{pr} place. Besids the insupportable chardges wee must be at in y^e p^{se}cution thereof, these considera^{on}s are not new to your honno^s & y^e high Courte of Parliament, the records whereof beare wittnes of y^e wisdome & faithfullnes of our ancestors in y^t great councell, who in those times of darknes, when they acknowledged a supremacy in y^e Bp^e of Roome in all cawses ecclesiasticall, yett would not admit appeales to Roome to remoove cawses out y^e Courts in England; besids, although wee shall redily admitt y^t y^e wisdome & experience of that great councell, & off yo^r honno^s as apte thereof, are farr more able to p^{se}cribe rules of go^ument, & to judge of cawses, then such poore rustickes as a wildernes cann breede vp, yett, considering y^e vast distance betweene England & these p^{ts}, (w^{ch} vsually abate the vertue of y^e strongest influences,) your councells & judgments could neither be so well grounded, nor so seasonably aplyed, as might either be so vsefull to vs, or so safe for yo^rselves in yo^r dischargd in y^e great day of accom^t, for any miscarriages w^{ch} might befall vs while wee depended on yo^r councell & helpe, w^{ch} would not seasonably be administred to vs; whereas if any such should befall vs when wee have y^e go^ument in our oune hands, y^e state of England shall not ans^r for it. In considera^{on} of y^e p^{ro}misses, our humble peti^{on} to yo^r honno^s in y^e next place is, y^t yo^r honno^s willbe pleased to continew yo^r favorable aspect vpon these infant planta^{on}s, y^t wee may still rejoyce, & blesse our God, vnder yo^r shadow, & be there still nourished, tanquam calore et rore coelesti; & whiles God ounes vs for a people of his, he will oune our poore prayers for yow & yo^r goodnes towards vs for an abundant recompence; & this in especiall if

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yow shall please to passe by any failings yow may have observed in our course to confirme our libertyes (graunted to vs by charter) *by remitting delinquents to our just proceedings, & discountenancing of our enemyes & disturbers of our peace, or such as molest our people there vpon pience of injustice.

Against blaspheming y^e name of God.

1. Blasphemy
to be punished
with death.

Albeit faith be not wrought by y^e sword, but by y^e word, & therefore such pagan Indians as have submitted themselves to our goiment, though wee would not neglect any dew helpes to bring them on to grace, & to y^e meanes of it, yett wee compell them not to y^e X^tian faith, nor to y^e pfession of it, either by force of armes or by pœnall lawes, neūthelesse, seing the blaspheming of y^e true God cannot be excused by any ignorance or infirmity of humane nature, y^e æternall power & Godhead being knowne by y^e light of nature & y^e creation of y^e world, & comōn reason requireth euery state & society of men to be more carefull of p^reventing the dishonour & contempt of y^e Most High God (in whom wee all consist) then of any mortall princes & magistrates, itt is therefore ordered & decreed by this Courte, for y^e honno^r of y^e æternall God, whome only wee wor^{sh}p & serve, that no pson wthin this iurisdicōn, whether X^tian or pagan, shall wittingly & willingly p^rsume to blaspheme his holy name, either by wilfull or obstinate denying y^e true God, or rep^roach y^e holy religion of God, as if it were but a politticke deuise to keepe ignorant men in awe, or deny his creation or goūm^t of y^e world, or shall curse God, or shall vtter any other eminent kind of blasphemy of y^e like nature and degree; if any pson or psons wthsoever, wthin our iurisdicōn, shall breake this lawe, they shallbe putt to death. By both.

Pawwawing,
penalty for.

Itt is ordered & decreed by this Courte, y^t no Indian shall at any time pawwaw or pforme outward wor^{sh}p to their falce gods or to y^e devill vpon any land or ground w^{ch} is p^rper to y^e English. If any of them transgresse this lawe, they shall pay for eūy seuerall offence tenn pounds. This lawe to extend also to all such offendo^s as are out of our iurisdicōn, but doe come in hither, & to such as p^rcure them to come in, & to such m^rs of families as shall assist or countenance such pawwawing by their p^rsence or otheruise, y^e p^rcurer five pounds, y^e pawwawer five pounds, & eue^r such assistant twenty shillings. By both.

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*Though no humane power be lord ouer y^e faith & consciences of men, & therefore may not constreine to beleive or p^rfesse agst their conscience, yett becawse such as bring in damnable heresyes, tending to y^e subvercōn

of y^e Xⁱian faith & destruc^{ti}on of y^e soules of men, ought dewly to be restreyned from such notorious impiety, itt is therefore ordered & decreed by this Courte, y^e if any Xⁱian wthin this jurisdic^{ti}on shall goe about to subvert & destroy y^e Xⁱian faith & religion, by broaching or maintaining any damnable heres^y, as denying y^e immortallity of y^e soule, or y^e resurrec^{ti}on of y^e dead, or any sinn to be repented of in y^e regennerate, or any evill dome by y^e outward man to be accompted sinn, or denying that Christ gave himself a ransome for our sinnes, or y^t wee are justified by his death & righteousnes, but by y^e p^{er}fec^{ti}on of our oune workes, or denying y^e morallity of y^e fowerth com^{ma}ndment, or any other heres^y of such nature & degree, euery such pson continewng obstinate therein, after dew meanes of conviction, shall pay to y^e com^{ma}on treasury, during the first six months, twenty shillings a month, & for y^e next six month fforty shillings p month, & so to continew during his obstinacy; & if any such pson shall endeavor to seduce others to y^e like heres^y or apostacy from y^e faith & religion of our Lord Jesus Christ, he shall forfeite to y^e com^{ma}on tresury, for eu^{er}y senerall offence therein, five pounds. By both.

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Heresyes
punishable by
fine.

Forasmuch as in those countryes where y^e churches of X^t are seated, y^e p^{ro}sperity of y^e civill state is much advanced & blessed of God, when y^e ordinances of true religion & publicke worshipp of God doe finde free passage in purity & peace, therefore, though wee doe not judge it meete to compell any to enter into y^e fellowship of y^e church, nor force them to p^{ro}take in y^e ordinances peculiar to y^e church, (wth doe require voluntary subiec^{ti}on therevnto,) yett, seing y^t y^e word is of gennerall & com^{ma}on lehoofe to all sorts of people, as being y^e ordinary meanes to subdew y^e harts of hearers, not only to y^e faith & obedience to y^e Lord Jesus, but also to civill obedience & allegiance vnto magistracye, & to just & honest consula^{ti}on towards all men, itt is therefore ordered & decreed, y^t wheresoe^{er} y^e ministry of y^e word is established, according to y^e order of y^e gospell, throughout this jurisdic^{ti}on, eu^{er}y pson shall dewly resorte & attend therevnto respectively vpon y^e Lords dayes, & vpon such publicke fast dayes & dayes of thanksgiving as are to be gennerally held by the appointment of authority; and if any pson wthin this jurisdic^{ti}on shall, wthout just & necessary cawse, wthdrawe himself from hearing y^e publicke ministry of y^e word, after dew meanes of convic^{ti}on vsed, he shall forfeite for his absence from eu^{er}y such publicke meeting five shillings. By both.

Contempt of
publick worsh
by being absent
fined.

*Itt is ordered & decreed by this Courte, y^t if any pson, wther in church ffellowshipp or out of it, shall goe about to destroy or disturbe y^e order of the churches here established, by open renouncing their church

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estate or their ministry, or other ordinances dispensed in them, either vpon ptence y^t y^e churches were not planted by any new apostles, or y^t ordinances are for carnall X^tians or babes in X^t, & not for spirituall & illuminate psons, or vpon any other such like groundlesse conceipt, eūy such pson who shallbe found culpable herein, after dew meanes of conuicōn, shall forfeite to y^e publicke treasury forty shillings for eūy month, so long as he continewes in his obstinacy. By both.

Penalty ag^t
swearing.

Itt is ordered & decreed, y^t if any pson wthin this iurisdicōn shall sweare rashly & vainely, either by y^e holy name of God or any other oath, he shall forfeite to y^e comōn treasury for eūy such seuerall offence tenn shillings; and it shallbe in y^e power of any maje^{ty} to call such pson before him, by warrant to y^e constable, & vpon sufficyent pffe to passe sentence, & levy y^e said penalty acording to y^e vsuall order of justice; and if such pson be not able, or shall vtterly refuse to pay the aforesaid fine, he shallbe comitted to y^e stockes, there to continew not exceeding three howers, & not lesse then one howre. By both.

Order for y^e
civilizing y^e In-
dians.

Considering y^t one end in planting these p^{ts} was to ppgate y^e true religion vnto y^e Indians, & y^t diſse of them are become subiect to y^e English, & have engaged themselves to be willing & ready to vnderstand y^e lawes of God, itt is therefore ordered & decreed y^t those necessary & wholesome lawes w^{ch} maybe made to reduce them to civillity of life shallbe once in y^e yeere (if times be safe) made knoune to them by such fitt psons as y^e Courte shall nominate, having y^e helpe of some able interp^rter wth them; considering also y^t interp^rtaōn of tounges is an appointment of God for ppgating y^e truth, & may therefore have a blessed successe in y^e harts of others in dew season, itt is therefore further ordered & decreed y^t two ministers shallbe chosen by y^e elde's of y^e churches eūy yeere at y^e Courte of Eleccōns, & so be sent, wth y^e consent of their churches, wth whomsoeūr will freely offer themselves to accompany them in y^t service, to make knoune y^e heavenly counsell of God amongst y^e Indians in most familliar manner, by y^e help of some able inte^rp^rter, as may be most avaiable to bring them to y^e knowledge of y^e truth, their conuercōn to Jesus X^t, & for this end y^t something maybe allowed them by the Genne^{all} Courte to give away freely vnto those Indians whom they shall pccave most willing & ready to be instructed by them. By both.

Forasmuch as y^e open contempt of Gods word & messenge's thereof y^e desolating sinn of civill states & churches, & y^t y^e preaching of y^e word by those whom God doth send is y^e cheife ordinary meanes ordeyned of God for y^e conuerting, ædifying, & saving of y^e soules of *y^e elect through y^e p'sence & powe^r of y^e Holy Ghost the^{vnto} p'mised, & y^e ministry of y^e word is sett

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vp by God in his churches for those holy ends, & according to y^e respect & contempt of the same, & of those whom God hath sett aparte for his owne worke & imployment, y^e weale or woe of all X^tian states is much furthered & promoted, itt is therefore ordered and decreed, y^t if any X^tian, so called, wthin this jurisdiction, shall contemptuously behave himself towards the word preached or the messengers thereof called to dispen^ce y^e same in any congregation, when he doth faithfully execute his service & office therein according to y^e will & word of God, either by interrupting him in his preaching, or by charging him falsely wth error w^{ch} he hath not taught in y^e open face of y^e church, or, like a sonne of Corah, cast vpon his true doctrine or himselfe any reproach to y^e dishonour of y^e Lord Jesus X^t, who hath sent him, & to y^e disparagement of y^t his holy ordinance, & making Gods wayes contemptible & ridiculous, e^ury such pson or psons, w^{soeuer} censure y^e church may passe, shall for the first scandall be conuicted & reproofed openly by y^e magis^t at some lecture, & bound to their good behaviour; & if a second time they breake forth into y^e like contemptuous carriages, either to pay five pounds to y^e publicke treasury or to stand two howe's openly vpon a blocke of fower foote high on a lecture day, wth a paper fixed on his *his* breast with this: A Wanton Gospeller, written in capitall letters, y^t others may feare & be ashamed of breaking out into the like wickednes. By both.

Contempt in house of worship, penalty for.

Wanton gospellers.

If any child above sixteene yeeres old, & of sufficient vnderstanding, shall curse or smite their naturall father or mother, they shall be putt to death, vnlesse it can be sufficiently testified y^t y^e parents have bin very vnchristianly negligent in y^e education of such children, or so provoked them by extreame & cruell correction y^t they have bin forced therevnto to preserve themselves from death or mayming. By both.

Smiting of parents, penalty death.

If a man have a stubborne or rebellious sonne of sufficient yeeres of vnderstanding, viz., 16, w^{ch} will not obey y^e voyce of his father or y^e voyce of his mother, & y^t when they have chastened him will not harken vnto them, then shall his father & mother, being his naturall parents, lay hold on him, & bring him to y^e majestates assembled in Courte, & testify to them by sufficient evidence y^t this their sonne is stubborne & rebellious, & will not obey their voyce & chastisement, but lives in sundry notorious crimes, such a sonne shall be putt to death. By both.

Rebellious children, punishment of.

If any man shall wittingly burne or otherwise destroy any frame timber, hewed heapes or stackes of woode, coales, corne, hay, strawe, hempe, or flax, he shall restore double damage to y^e owner.

Burning howses, &c.

Itt is ordered, y^t if any pson of age of discretion professing, or having professed, X^tianity, shall deny y^e Holy Scriptures to be y^e word of God, or not

Denying y^e Scriptures.

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Kindling of
fires in y^e
woods.

to be attended to by illuminated X'ians, & shall continew obstinate after dew meanes of conviccion, he shall be putt to death. By both.

*Whosoeur shall kindle any fires in y^e woods before y^e tenth day of y^e first month, or after y^e last day of y^e 2^d month, or on y^e last day of y^e weeke, or Lords day, shall pay all damages y^t any pson shall loose thereby, & halfe so much to y^e comon treasury. By both.

Servants resti-
tucion.

All servants & workemen imbezling y^e goods of their masters, or such as sett them on worke, shall make restituccion, & be as liable to all lawes & pœnalties in y^t behalf as other men. By both.

Gaming.

Itt is ordered, y^t if any pson shall at any time play or game for any mony or monyes worth, efly such pson shall forfeite treble y^e valew of y^t so played or gaimed for to y^e comon treasury, halfe to y^e pty enforming thereof. By both.

Robbing or
chards.

Itt is ordered by this Courte, y^t if any pson shall be taken or knoune to rob any orchard or garden, y^t shall hurte or steale any graftes, or fruite, or fruitetrees, any linnen, woollen, or any other goods y^t shallbe left out in orchards, gardens, backsides, or any other place in howse or feilds, or shall steale any wood from y^e waterside, from mens doores or yards, he shall forfeite treble damages to y^e owner thereof; & if they be children or servants y^t shall trespasse herein, if their parents or m^s will not pay y^e pœnalty before ex^pssed, they shallbe openly whipte. By both.

Prudentiall Lawes.

Idle persons to
be set to work.

Euery touneshipp, or such as are deputed to order y^e prudentiall affaires thereof, shall have power to p^sent to y^e Quarter Courte all idle & vnppfitable psons, & all children who are not dilligently imployed by their parents, wth Courte shall have power to dispose of them for their oune welfare, & impvement of y^e comon good. By both.

Tyle earth for
house cover-
ing.

Tyle earth, to make saweare, shallbe digged before y^e 1th of y^e 9^m, & turned ouer in y^e last or 1th month ensewing, a month before it be wrought; & whosoeuer breakes this order shall forfeite to y^e vse of y^e comon treasury halfe so much tile as shallbe otheruise made. By both.

Inning of har-
vest.Mechanicks to
work in fields
if necessary.

Because y^e harvest of hay, corne, flaxe, & hempe comes vsually so neere together that much losse cann be hardly avoyded, itt is ordered and decreed by this Courte, y^t y^e constables of euy tounce, vpon request made to them, shall require artificers or handicrafts men to labor or worke by the day for their neighbors, needing them in mowing, reaping, and inning thereof; & y^t those whom they helpe shall dewly pay them for their worke; & if any pson so required shall refuse, or y^e constable neglect his office hercin, they shall each

of them pay to y^e vse of y^e poore of y^e toune double so much as such a dayes worke comes unto, provided no artificer, &c, shall be compelled to worke for others whiles he is necessarily attending on like buisnes of his oune. By both. 1646.
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*Euery baker shall have a distinct marke for his bread, and keepe y^e [*104.] true assizes, as hereafter is exp^{ss}ed, viz.: when wheate is ordinarily sold at their seuerall rates, y^e 1^d white loafe by averdepoyce shall weigh

1^d 11 $\frac{1}{2}$, 1 $\frac{1}{2}$. When wheate is sold at 3^s p bush; y^e wheaten, 17 $\frac{3}{4}$, $\frac{1}{4}$; y^e Bakers bread, howsehold, 23 $\frac{3}{4}$. regulation of.

When wheate is sold at 3^s 6^d, 10 $\frac{3}{4}$; wheaten, 15 $\frac{3}{4}$; howsehold, 20 $\frac{3}{4}$.

When wheat is sold at 4^s, 9 $\frac{3}{4}$; wheaten, 14 $\frac{3}{4}$; howsehold, 18 $\frac{3}{4}$.

When wheate is sold at 4^s 6^d, 8 $\frac{3}{4}$; wheaten, 11 $\frac{3}{4}$; howsehold, 16 $\frac{3}{4}$.

When wheate is sold at 5^s, 7 $\frac{3}{4}$; wheaten, 11 $\frac{3}{4}$; howsehold, 15 $\frac{3}{4}$.

When wheate is sold at 5^s 6^d, 7 $\frac{3}{4}$; wheaten, 10 $\frac{3}{4}$; howsehold, 14 $\frac{3}{4}$.

When wheate is sold at 6^s, 6 $\frac{3}{4}$; wheaten, 10 $\frac{3}{4}$; howsehold, 13 $\frac{3}{4}$.

When wheate is sold at 6^s 6^d, 6 $\frac{3}{4}$; wheaten, 9 $\frac{1}{2}$; howsehold, 12 $\frac{1}{4}$.

Under the penalty of forfeiting all such bread as shall not be of y^e seuerall weights as is above menconed, to the vse of the poore, W^m Parkes & W^m Stilson are appointed clarke of the marktett, & authorized hereby to see to y^e execucon & pformance of this order. By both. Clarke of y^e market.

Itt is ordered by this Courte, y^t where wood is brought to any toune or howse by boate, it shallbe thus accompted & assized.

4 tunnes shall be accompted for 3 loads; 12 tunnes, 9 loads; 20 tunnes, 15 loads. Sizing of wood.

6 tunnes " " 4 $\frac{1}{2}$ " ; 14 " 10 $\frac{1}{2}$ " ; 24 " 18 $\frac{1}{2}$ "

8 tunnes " " 6 " ; 16 " 12 " ; 28 " 21 "

10 tunnes " " 7 $\frac{1}{2}$ " ; 18 " 13 $\frac{1}{2}$ " ; 30 " 22 $\frac{1}{2}$ "

&c. By both.

Judicijall Proceedings.

If any pson shall wittingly forge any deed of conveyance, testament, bond, bill, release, acquittance, letter of attorney, or any writing to pvert justice & aequity, he shall stand in the pillory three seuerall lecture dayes, & render double damage to y^e pty wronged, & disabled to give any evidence or verdict to any Courte or magis^{tr}s. By both. Fording of deeds.

If any man shall vnjustly, of meere malice, commence or psecute any action, sute, complaint, or indictment in his oune name, or in the name of others, to y^e vexacon of any pson, he shall pay treble damages to y^e pty greived, & be fined forty shillings to the comon treasury. By both. Comon barretting.

Keepers of comon prisons shall receive all prisoners brought to them by

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4 November.
Keeps of pris-
ons.

[*105.]

An out lawe.

warrant from any magis^{tie} wthout taking any ffes of y^e p^{tyes} that bring them, vnder the penalty of five pounds for euery offence. By both.

*If any pson shallbe indicted of any capitall crime, who is not then in durance, shall refuse to render his pson to some magis^t wthin one moneth after three pclamations publickely made in the toune where he vsually abides, there being a moneth betwixt proclama^{cion} & pclama^{cion}, his lands & goods shallbe seized on to y^e vse of y^e com^{on} treasury till he makes his lawfull appearance, & such wthdrawing of himself shall stand insteede of one witnes to p^{ro}ve his crime, vnlesse he cann make it appeare to y^e Courte y^t he was necessa- rily hindered from such appearance.

Penalty for
not raising
hues & cryes.

If any officer, or other, shall refuse to doe their best endeavor in raising & prosecuting hue & cryes by foote, & if neede be by horse, after such as have comitted capitall crimes, they shall forfeite for e^uy offence to y^e com^{on} treas- ury fforty shillings — such hues & cryes as be allowable by lawe.

Chardge of
malefactors.

Such malefactors as are comitted to any com^{on} prison shallbe conveyed thither at their oune chardge if they be able, otheruise at y^e chardge of y^e country.

Com^{on} treasu-
ry a publick
heire.

Where no heire or owner of howses, lands, tenements, goods, or chattells cann be found, they shallbe seized to y^e publicke treasury till such heires or ownors shall make dew claime thereto, to whom they shallbe restored vpon just & reasonable termes.

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26 May.

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**Att a Gennerall Courte of Elecc^{on}, held y^e 26th of y^e 3 M^o:
1647.*

John Winthrop, Seⁿ, Esq^r, was chosen Go^urn^r.

Thomas Dudley, Esq^r, was chosen Dep^t Go^urn^r, } & Com^{is}sion^{rs} for
J^o Endecott, Esq^r, was chosen & Assistant, & } y^e Vnited Collonyes.
Major Gem^{tt}.

Assistants, Rich: Bellinghm, Esq^r,
Herbert Pelham, Esq^r,
Rich: Saltonstall, Esq^r,
John Winthrop, Juⁿ, Gen^t,
Increase Nowell, Gen^t, Secretary,
Simon Bradstreet, Gen^t,
Thomas Flynt, Gen^t,
W^m Hibbens, Gen^t,

Sam: Symonds, Gent,
 W^m Pinchon, Gent,
 Cap^t Robt Bridges, Gent.

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Mr Tho: Dudley & Mr Joh Endecot, Comission's.

Rich: Russell, Gent, was chosen Treasu^ro^r.

The names of y^e Deput^s sent to y^e Genne^rall Courte was

Mr Joseph Hill, Speaker.

[Thus far by Mr. Rawson. Then to the end of page *110 in the handwriting of Mr. Torrey.]

Left Lathrop,
 Jacob Barney,
 Lieut Norton,
 Mr Joseph Hills,
 Mr Glouer,
 Lieut Clapp,
 Major Gibbons,
 Mr W^m Tynge,
 John Johnson,
 W^m Parkes,
 Mr Rich: Browne,
 Mr Pendleton,
 Mr Holliokey,
 Mr Sparhawke,
 Mr Edw: Jackson,
 Mr Robt Payne,
 Mr W^m Bartholomew,

Mr Du^mer,
 Mr Rawson,
 Tho: Dyer,
 Mr Allen,
 Mr Jos: Hubbard,
 Mr Griffin,
 Henry Chickering,
 Joh Kinsbury,
 Mr W^m Hooke,
 W^m English,
 Mr Edw: Charlton,
 Mr Brigham,
 Steven Kinsley,
 Cap^t Pelham,
 Mr Brewin.

Lieut Edw: Johnson,
 Mr W^m Fiske,
 Mr Robt Clements.

IT is ordered by the authoritie of this Court, that henceforth such as keepe howses of entertaynm^t, clarks of the writts, & comission's for small causes, shalbe *licensed at the County Courts where they liue, or at the Courts of Assistants, to avoyd trouble to this Court. [*108.]

At the request of the inhabitants of Exeter, Sergeant Thomas Pettett hath power ^ ^ ^

It is ordered by this Court & authoritie thereof, that some one or more of the magis^{ts}, as they shall agree, shall once euery quarter keep a Court at such place or places where the Indians vse to assemble to heare the word, who shall here & determine all causes, both ciuill & criminall, not being capitall, concerning the Indians only; & that the Indian sachems shall haue libtie to

Indians, court
 for their benefit
 to be held.

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28 May.

take order as to sumōes or atatchm^{te}, to convent offenders, & to keep a Court themselves once a month, if they see cause, to determine small causes of a ciuill nature, & such small criminall cases as shalbe referd to them by the sd magistrates; & the sd sachems shall appoynt officers to serue warrents & to execute the sd orders & judgm^{ts} of either of the sd Cor^{ts}, w^{ch} officers shallbe allowed from time to time by the sd magis^{ts} in the sd Quarter Court or by the Go^{vrn}; & that all fines imposed on any of the Indians at such Courts shalbe bestowed on the building of some meeting howse, or educatiō of their poorer children in learning, or other publicke vse, by the advice of the sd magistrate and M^r Elliott, or such other as shalbe their ordinary instructors; & it is desired that o^r sd magistrates will endeavour to make Indians vnderstand o^r most vsefull lawes, & those principals of justice & equitie wherevpon they are grounded.

M^r Elliott
granted £10.

It is ordered, that 10^{li} be giuen M^r Elliott as a gratuite from this Court in respect of his paynes in instructing the Indians in the knowledge of God, & that order be taken that the 20^{li} p^a añū giuen by the Lady Ermin for y^t purpose may be called for & employed accordingly.

Hull, fishery
encouraged.

There being now diuers ffreemen & men of good abillity in Hull who may comfortably carry on the affayres of a towne, they are enabled by the authoritie of this Court to order the prudentiall affayres of y^t towne, according to former orders of this Court & course of other plantations, p^{ro}vided that, according to former orders of Court they endeavour the aduancem^t of fishing, & that such fishermen as are there already & others w^{ch} shall come thither may haue all such reasonable priuiledges & encouragemen^t as the place will afford, & that such places as are fitt for fishermen may be reserued for that purpose; & wth this caution also, that *that* W^m Parkes, M^r Glouer, & M^r Duncan, or any two of them, be appoynted to se the order of Court for aduance of fishing duely obserued.

Michaell Smyth being vnder a fine for putting in of three beanes for one magistrate, his fine is respited till farther order from this Court.

Petition of D.
Winthrop.

[*109.]

Land graunted
Sir R.
Saltontonstall.

Vpon the petition of M^r Adam & Deane Winthrop for the 1000 acres of land graunted to Sir Richard *Saltingstall on Cochichowick, & by him to his sonne M^r Rob^t, & by them bought of him, this thowsand acres is granted in a necke of land lying between the pond there & a small brooke ruīnge into the sd pond, & bounding on the east, south, & west p^{ar}t, or some of them, & the farme lately granted to M^r Dunster, president of the colledge, on the northerly p^{ar}t; & if there fall out to be more than a 1000 acors wthin the sd bounds, this Courte graunts the rest due to M^r Deane Winthrop as a p^{ar}t of the

land due to his honrd father, p^{ro}vided that it hinder not any former p^{ro}pagements, & that they demaund them wthin six moths after the 29th p^{re}sent, as also that the quantitie desired by him exceed not that w^{ch} is due to o^r honrd Gou^{vr}; & Cap^t Pelham wth M^r Pendleton are appoynted to see it layd out at the owners charge.

Water Tybbot is appoynted to draw wine at Gloč, paying 20^s p aⁿnum rent; and M^r Steuens is appoynted to be a 3^d mā to end small causes there.

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Cattle to be
mark'd.

Whereas this Court hath long since p^{ro}vided that all men should feñ there corne, meddow, & such like agaynst great cattle, to the end the increase of cattle, especially cowes & their offspring, should not be hindered, there being then but few horses in the country, which since are much increased, many whereof run in a sort wild, doing much damag in corne & other things, notwithstanding fences made vp according to the true intent of the order in that case established, many whereof are vnknowne, most so vnruely that they cannot be caught, whereby their owners might answer damages, or, if they be, yet are in danger of pishing before their owners appeares, all w^{ch} to p^{re}vent, it is ordered by this Court, that euery towne & peculier in this jurisdiction shall giue soñi distinct marke, letter, or other, wth pitch or such like, to all their cattle which feed in open common without constant keepers, which marke shalbe agreed & ordred by the Gent^l Court from year to year, whereby it may be knowne to what towne they doe belonge; & if any trespas, not so marked, they shall pay double damage; nor shall any pson, knowing, or after due notice giuen, of any beast of his to be vnreasonable in respect of fences, suffer him or them to goe in co^mon, or agaynst corne feilds or other impropriated or inclosed grounds, fenced as affore^sd, wthout such sufficient shackells & fetters as may restrayn & p^{re}vent trespas from time to time; & if any horse, horses, or any other beast trespass in corne or other inclosure, being fenced in such sort as serues ag^t cowes, oxen, & such like orderly cattle, the p^{ro}tyes trespassed shall p^{ro}cuere two sufficyent inhabitants of that towne, p^{ro}sons of good repute, to view & judg the harmes, which the owner of the beast shall satisfy, w^{an} known, vppon reasonable demaund, whether the beast were impounded or not; but if the owner be knowne, or neere residing, he shall forthwth haue notice of the trespas charged vppon him, that if he approue not thereof, he may nominate *one man, with one such other chosen by the p^{ro}tye dammaged, who shall review & adjudge the s^{ed} harmes, p^{ro}vided they agree of damag wthin one day after due notice giuen, & that no after harmes interuene to hinder it, which being forthwth discharged, to gether with the charg of the notice, former view, &

[*110.]

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26 May.

determination of damage, the first judgm^t shalbe voyd, or else to stand good in law.

Mr Samuell Dudley, Mr Batt, & Rob^t Pike are appointed to end small causes at Salisbury, & Mr Samuel Dudley is appoynted to associat in the Court at Ipswich.

To Mr Francis Doughtie: You may vnderstand, M^{rs} Elizabeth Cole having petitioned o^r Gen^l Court, the Court hath thought meet to order as followeth: Thō nothing was shewed in the six mo^{ths}, limited by the Court of Assistants, why the deed should not be cancelled, nor nothing since which may cause vs to question the former verdict & judgm^t, yet, for the more full satisfaction of the petition^r, & that the justice of the Court in the triall affore^d may appeare, it is now ordred, that a fre shall be written by the secretary, & by a trusty messenger be forthwth sent to the sd Fraunces Doughty, expressing therein the effect of the sd petition, which is for her evidence to be made good, which is cancelled, that thereby releife & supply of mayntenance may redound to yo^r petion^s account, & wthall desireing him to come or send to the Court an authentick coppie of that deed, or release, or other instruments or evidences, which in Court he formerly p^{ro}duced, & wherevpon the verdict & judgm^t p^{ro}ceeded with all convenient speed, withall giuing him to vnderstand that if he shall fayle to satisfye the just & reasonable desire of the Court herein, the Court is resolved to p^{ro}ceede by all legall wayes to doe what may most tend to the clearing of the justice of the Court, & full satisfactiō of the petition^r according to equitie.

Secretary to
write Mr
Dougherty to
appear on M^{rs}
Cole's affairs.

Order in mili-
tary matters.

Whereas the order of the 9th moth, 1636, seems to limitt the elections of military officers in the seſiall townes to such only as are of the trayned bands, & so thereby all such freemen as are exempt from ordinary trayning shouldbe bar^d from having any voates in such elections, it is hereby declared & ordered, that eſy freeman shall haue his vote in such elections as if he were of the trayned band, any thing in that or any other law to the contrary notwthstanding; p^{ro}vided that eſy freeman shalbe bound to take notice of the time of such election at open declaration thereof at any gen^l meeting of such trayned band.

Joh Baker is lycenced to draw wine at Ipswich, according to order.

The mortgage of three p^{ar}cells of land, by John Alcock to W^m Parkes, is herby confirmed.

[Pages *111, *112, and *113 are in the handwriting of Mr. Rawson.]

[*111.]

Widow Wilson
allowed £23.

*In ans^r to y^e peti^{ti}ōn of y^e wyddow Wilson, on y^e retourne of y^e cōmittee, Mr Colborne & John Johnson, the Courte found y^t twenty three pounds, dew

for expences hir husband was at for laying out of chardges in the prison, & to be allowed hir. By both.

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For explanacōn of y^e order in y^e liberty about 6 dayes warning to be given to y^e deff^s in eūy action, itt is hēreby declared, y^t y^e day of y^e sumōns or attachm^{ts} & y^e day of appearance shallbe taken inclusively as parte of y^e 6 dayes. By both.

Itt is ordered, y^t who cū is or shallbe called to y^e place of maj^r gene^{ll} shall be at his liberty to have those of his oune family trayned vp in millitary discipline as himself shall judge most meete, wthout being compelled, or called vpon by any inferior officer, to send them to attend y^e ordinary traynings. By both.

In ans^r to y^e petiōn of y^e toune of Cambridg, ffor y^e Courts acceptacōn & confirmacōn of W^m French as left to y^e millitary company there, y^e petiōn was graunted, & y^e pson approved of & confirmed in y^t place. By both.

W. French
lieut. in Cam-
bridge.

Ralfe Blesdale, on his request, is licenst to drawe wyne at Salisbury, paying such rent annually as is appointed by order.

In ans^r to y^e petiōn of y^e toune of Glocester, M^r W^m Stevens is appointed to be added as one of y^e three mend to end smal controūsyas, & Water Tybott is graunted licence to drawe wyne, paying y^e annuall rent as y^e Courte hath p^{re}scribed.

M^r Stevens to
end small
causes in
Gloucester.

In ans^r to y^e petiōn of y^e toune of Weimouth, M^r Tory is appointed, & by this Courte authorized, to marry such as shall be legally published, and be fitt, according to the order of Courte, in y^e toune of Weimouth. By both.

Weymouth,
M^r Torrey au-
thorized to
marry.

In ans^r to y^e petiōn of Isaacke Boswell, ffor y^e dd of a stray heifer, at Hampton, to him, who lost one, & none appearing to challeng such stray, the Courte graunts his request, so as he enter caution to ans^r all engagments to the true ounor, if any other shall appeare to be so, & ans^r y^e chardge of y^e beast at Hampton. By both.

Isaac Boswell,
petition of.

In ans^r to y^e petiōn of Hugh Sherwood, he hath a licence to draw wyne by retaile at Haverill, paying tenn shillings p anū rent therefore to y^e countrye.

H. Sherwood
licenced to
draw wine.

*This Courte, taking into consideraōn the vsefull ptes & abillities of diuers inhabitants amongst vs, wth are not freemen, wth, if improoved to publicke vse, the affayres of this country maybe easier carryed an end in the seuerrall townes of this iurisdicōn, doth hereby declare, that henceforth it shall & maybe lawfull for y^e freemen wthin any of the said townes to make choyce of such inhabitants, though nonfreemen, who have taken, or shall take, the oath of fidelity to this goūm^t, to be jury men, & to have their vote in the choyce of the select men for toune affaires, assessment of rates, & other pru-

[* 112.]

Liberty of non
freemen.

1647.

26 May.

dentials pper to y^e select men of the seſſall townes, provided still, y^t y^e major pte of all companyes & of select men be freemen, from time to time, that shall make any valid act, as also where no select men are to have their vote in ordering of schooles, hearing, laying out highwayes, & distributing of lands, any lawe, vsage, or custome notwthstanding to y^e contrary; provided also, y^t no nonfreeman shall have his vote vntill he hath attayned y^e age of twenty fower yeeres; provided also, y^t none y^t are or shallbe detected & convicted in any Courte of any evill carriage agst y^e goſſiment or churches, it being intended to be immediately donn, shallbe capable to vote vntill y^e Courte where he was convicted or sentenced hath restored him to his former liberty. By both howses.

Millers licence. In ans^r to y^e petiçōn of y^e toune of Rowley, Thomas Miller hath licence graunted him to drawe wyne there, pay 15^s p anⁿ to y^e comōn treasury. By both.

Anthony Stanien is chosen & appointed one of the three men to end smale cawses at Exetur.

Cap^t Brighm. In ans^r to y^e petiçōn of y^e toune of Rowley, for y^e Courts acceptaçōn & confirmaçōn of Sebastian Brigham for their cap^t, & John Rimington for their lef^t, their petiçōn was graunted, y^e psons appved of & confirmed in those places. By both.

Salt peet^rs mans fee. Itt is ordered, y^t Edmond Gardiñer, y^e officer for salt peeter at Ipsvich, shallbe allowed five pounds out of the treasury, in full satisfacçōn for his paynes. By both.

[*113.] *This Courte being deeply sencible of y^e necessity of their vpholding, & all they cann to encrease all fortificaçōns against forraigne enemyes, as also of y^e great vsufferable pressures & extreame exigents of Cap^t Davenport, his garrison & family, (a thing no lesse greivous to y^e Courte then burthensome to him,) & therefore thinke it very just & meete y^t the cap^ts petiçōn should be graunted for the three p^ticulers therein conteyned, & therefore doe order & enact, by y^e authority of this Courte, that Leif^t Norton, Leif^t Johnson, & John

Castle repaire. Johnson, or any two of them, be appointed, authorized, & hereby enabled to examine the whole matter touching y^e defectes of y^e townes, both in respect of arreares in payment & compleating of workes by them vndertaken, as also to levy all fines & penaltyes incurred by such neglect, & to imploy it towards satisfacçōn of arreares, or compleating the workes, & supply of amūnition & such things as are wanting, as to them seemes meete & convenient; also hereby power is given to y^e said Leif^t Norton, &c, to levy all arreares aforesaid by distresse of such inhabitants of y^e said townes from whome they are dew, or otherwise, & for^twth to pay it to y^e said Cap^t Davenport: also hereby power is

Cap^t Davenport
arreares.

given to y^e said Left Norton, &c, to impresse men in the seuerall townes to supply a garrison there at the Castle Island, according to y^e former agreement there, to serve in their course & order, vnlesse they or some of their townes shall compound wth the cap^t for it. Lastly, hereby power is hereby given to y^e said Left Norton, &c, to require & receive of y^e Treasurer so much as will fully ans^r y^e cap^t demaunds in his peti^{ti}on, whose receite vnder their hands shall be y^e Treasurers discharge for so much; provided, that all arrears of y^e townes, & at least so much of y^e fines be first leyed as to y^e said Left Norton, &c, seemes meete & necessary to compleate the workes according to their agreement.

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26 May.

For better direction of officers vpon attachments & executions, itt is ordered by y^e authority of this Courte, y^t where any officer is to serve any attachment or execution vpon any mans body, in any civil cause betwene p^{ty} & p^{ty}, he shall not be forced to keepe him above twelve howers, nor convey him to p^{ri}son, except y^e p^{ty} who p^{se}cutes will lay downe the chardges & fees, or take such order for the same whereby the officer maybe indemnified in either of them; & if y^e p^{se}cutor recouer in his suite, or if it be vpon execution, such chardges & fees shall be allowed in costs as in other cases. By both.

Samuell Davies, of Wimsisemett, hath liberty graunted him to keepe a howse of comon entertainment, & to drawe wyne, he paying thirty shillings p^a an^o to y^e comon treasury. By both.

[Pages *114 and *115 are in the handwriting of Mr. Torrey.]

*Vpon information that diuers high wayes are much annoyed & incumbered by gates & rayles erected vpon them, its ordered by the authoritie of this Court, that vpon information made to the Court of Assistants, or any County Court, of any such gates or rayles erected, the same men shall appoynt a committee of discreet men to view such incumbrance, & to order the reformat thereof; & if the p^{ties} whom it shall concerne shall not submit to such order, they shall require them to appeare to the next Court, where the cause shalbe heard & determined for the ease of travellers, & due respect to the p^{ri}etors cost & damages.

[*114.]

Highways not to be incumbered.

For as much as many times it so falls out that small thefts are comitted, & also other offences of a criminall nature, both by English & Indians, in townes remote from any prison or other fit place to which such malefactors may be comitted till the next Court, it is therefore ord^d, that any magistrate, vpon complain^t made to him, may here, & vpon due proffe determine, any such small offences according to the lawes here established, & giue warrent to the constable of y^t towne where the offender liues to leuy the same, p^{ro}vided the dam^{ag} or fine by him adjudged exceed not forty shillings; p^{ro}vided also, it shalbe

Small criminal cases, how managed, & others.

1647.

26 May.

lawfull for either pty to appeale to the next Court to be held in the jurisdiction, giving sufficyent caution to psecute the same to effect at y^e sd Court; & euery magistrate shall make their retorne yearly to the Court of y^t jurisdiction wherein he liues of what cases he hath so ended, & also the constable of such fines as they haue receiued; & where the offender hath nothing to satisfy, such magistrate may punish him by stocks or whipping, as the cause shall deserue, not exceeding ten stripes.

Jesuits to be
apprehended.

This Court, taking into consideration the great warrs & combustions which are this day in Europe, & that the same are obserued to be cheifly rayseed & fomented by the secret practises of those of the Jesuiticall order, for the prevention of like euills amongst o^rselves, its ordred, by the authoritie of this Court, that no Jesuit or ecclesiasticall pson ordayned by y^e authoritie of the pope shall henceforth come wthin o^r jurisdiction; & if any pson shall giue any cause of suspision that he is one of such societie, he shalbe brought before some of the magis^{ts}, & if he cannot free himselfe of such suspitiō, he shalbe comitted or bound ou to the next Court *of Assistants, to be tried & proceeded with by banish^{mt} or otherwise, as the Court shall see cause; & if any such pson so banished shalbe taken the 2^d time wthin this jurisdiction, he shall, vpon lawfull triall & conviction, be put to death; pvided this law shall not extend to any such Jesuit as shalbe cast vpon o^r shores by shippwrack or other accydent, so as he contynew no longer then he may haue opptunitie of passage for his departure, nor to any such as shall come in company wth any messenger sent hither vpon publick occasions, or any marchant or master of any shipp belonging to any place not in enmitie wth the state of England or o^rselves, so as they depart agayne wth the same messenger, marchant, or m^r, & behaue themselves inoffenciuely duringe their abode here.

[*115.]

D. Shepard's
will.
Courts distri-
bution.

Vpon p^sentm^t of the will & inventory of Daniel Sheeheardson, it is ordred, that the land should goe according to the fathers will to the son, or recompence according to the value of 21^{li} 10^s; & because the mother hath bin at great charge in educating the son 3 yeares, & is still to be, she should be allowed the tooles, & bellowes, & armes, for that, & y^t the daughters shall haue, of what their father hath giuen them, only 9^{li} each of them for their p^t.

Marshall's
fees.

Ordred, that the marshall haue 12^d of the pound of all the fines he shall gather vp.

Ferry at New-
bury.

Tristrum Coffin is allowed to keep an ordinary at Newbery, & to retayle wine, paying according to the order; & also he is granted libtie to keepe a ferry on Newbery side, ou Merimacke, when the intrest of Georg Carr shalbe determined; & y^t Georg Carr shall haue libtie to keepe his boat going on Salsbury side.

It is ordred, that there shalbe a suffieyent horsbridge made oñ the riuer neere Watertowne Mill by the inhabitants of Watertowne, before the first of the 9th moth next, vppon payne of the forfeiture of ten pound, & after that 10^a a day to the country till it be made vp as aforeseid.

The Court, in a gratefull remembrance of the good service of o^r honrd Go^{vd}no^r in y^e place the last yeare, haue thought meete to allow him 100^{li} as a testimony of their thankfull acknoledgment of their loue for, & acceptance of, his endeouours.

For explanation of the order in the liberties about 6 dayes warneing to be giuen the defend^t, it is hereby declared, that the day of sumōns or atatchm^t serued & the day of appearance shalbe taken inclusiūly as p^t of y^e 6 dayes.

[The following is in the handwriting of Mr. Rawson.]

*The Courte having taken into serious considera^cōn the crimes chardged on Doc^t Rob^t Child, M^r John Smith, M^r Thomas Burton, M^r John Dand, & M^r Samuēll Mauericke, & whercof they have binn found guilty vpon full evidence by the former judgment of this Courte, have agreed vpon y^e sentence here ensewing respectively decreed to each of them.

1647.

29 May.
Watertown
bridge to be
built.

Gov^r a grant to
£100.

[*116.]

Doctor Child, tuo hundred pounds, & imprisonment vntill it be payd or security given for it.	200 ^{li} 00 ^s 00 ^d
M ^r John Smith, one hundred pounds, & imprisonment as before.	100 00 00
M ^r John Dand, tuo hundred pounds, & imprisonment as before.	200 00 00
M ^r Tho: Burton, one hundred pounds, & imprisonment as before.	100 00 00
M ^r Sam: Mauericke, ffor his offence in being p ^t y to y ^e conspir- acy, one hundred pounds, & imprisonment as before. . .	100 00 00
M ^r Sam: Mauericke, ffor his offence in breaking his oath, & in appealing ag st y ^e intent of his oath of a freeman, ffifty pounds, & imprisonment as before.	050 00 00
Jacob Barnev contradicens to y ^e sentence of y ^e Courte.	

[The following is in the handwriting of Mr. Torrey.]

It is ordred, that in all common feildes of meddow & pasture wherein there are seūall pprieties fenced in by one common fence, made by the seūall proprietors in all those feilds, the proprietors of the greatest p^t of the land in such feilds shall hereby haue power to order & appoynt the improvement of the whole feild, saue of such ppriet^rs of land as shalbe sufficiently fenced in by itselfe, which any such pprietor may lawfully doe.

Lands owned
in common,
regulation of.

1647.

26 May.
Mr Oliver's son
cured of fistula.
Weymouth
swamp.

Game of shuffle
board, pen-
alty to prevent.

Mr Oliver is to be allowed for the cure of Pessicus his son, & the same to be charged agayne on the sd Pessicus.

Waymouth having a swamp, suposed to be about 100 acors, they are granted libtie to lott it out.

Vppon complaynt made of great disorder that hath bin obserued, & is lik to increase, by the vse of the game called shouelboard, it is therefore ordered & enacted by the authoritie of this Court, that no pson shall henceforth vse the sd game of shoffle board in any howse of comon entertaynm^t, nor in any other howse vsed as comon for that purpose, vppon payne for euy keeper of such howse 20^s for euy offence; & for euy pson playing at the sd game in any such howse, 5^s for euy offence; & any magistrate may heare & determine any offence agaynst this law.

[The following is in the handwriting of Mr. Rawson.]

[*117.]

*Seuerall members of y^e House of Depu^{ts} somewhat differing from y^e sentence of y^e Courte, in degree only, desiring their contradicentes might stand on record only as they differed, their desier was graunted, & are as ffolloweth:—

Rich Duimer sentenced Doctor Child & M^r Dand 100^{li} apeece; M^r Smith, M^r Mauericke, & M^r Burton, 40^{li} apeece.

Lef^t Lathrop sentenced Doct^r Child & M^r Dand 200^{li} apeece, as y^e Courte did; M^r Smith, M^r Mauericke, & M^r Burton, 50^{li} apeece.

Brian Pendelton sentenced M^r Dand 100^{li}; M^r Mavericke, M^r Smith, & M^r Burton, 40^{li} apeece. Doctor Child he could not pceed to sentence besids his imprisonment.

Cap^t, W^m Pelham sentenced M^r Dand 100^{li}; M^r Smith, M^r Burton, & M^r Maverick, 50^{li} apeece; Doctor Child 40^{li}.

Rob^t Cleomens sentenced Doctor Child 50^{li}; M^r Dand 100^{li}; M^r Smith 20^{li}; M^r Burton 30^{li}; & M^r Mauericke 100^{li}.

Rob^t Payne sentenced M^r Dand 100^{li}; M^r Smith & M^r Burton 50^{li} apeece; M^r Mauericke 60^{li}. Doctor Child he could not pceed to sentence besids his imprisonment.

Edw: Carleton sentenced M^r Dand 100^{li}; M^r Mauericke 50^{li}; M^r Burton & M^r Smith 40^{li} apeece. Doctor Child he could not pceed to sentence besids his imprisonment.

[The following is in the handwriting of Mr. Torrey.]

Horses, penal-
ty for using
without leave.

Forasmuch as many complaynts haue bin made of a very euill practise of some disordered psons in the country, who doe vse to take of other mens horses, sometimes vppō the commons & sometimes out of their owne grounds, & ride them at their pleasure, without any leave or privaty of the owners, it is therefore ordred by this Court, that whosocū shall take of any other mans

horse or mare, or any draft beast, either out of his owne inclosure or comons or else where, except such be taken damage feasant, & disposed of according to law, without leue of the owner, & shall ride or vse the same, he shall pay to the pty wronged treble damages; or if the complaynant shall desire it, then to pay only 10^s; & such as haue not to make satisfactiō to be punished by whipping or imprisonm^t, as shalbe judged.

1647.

26 May.

It is ordred by the authoritie of this Court, that the comission granted to the major pt of the towne of Newbery, & the pceedings therevpon, be declared to be legall & warrantable.

2. That if any errors were in the sd comission, or any discent from the same by any of the minor pt, yet they are all concluded from takeing any exception thereto, in regard of their acceptance of the recompence ordred for satisfaction.

3. That the petition^{rs} of the minor pt haue fayled in not submitting to their owne couenant.

*4. That a lre be written from this Court to the two elders & those brethren of the major pt, that, for peace sake, they would please, by turnes, to supply the other pty. [*118.]

[To this place in the handwriting of Mr. Torrey; pages *119—*130 by Mr. Rawson.]

**At another Session of y^e Cou^{te} of Elecc^ōn, begunne the last 4th Day of y^e 8 M^o, 1647.* [*119.]

WHEN Mr Joseph Hills was chosen Speaker for this weeke.

27 October.

[Blank.]

At y^e request of W^m Jeggles, Cap^t W^m Hawthorne is appointed & authorized to solemnize a marriage betweene Tho: Jeggles & Abigaile Sharpe, of y^e same toune, in y^e absence of y^e major gennerall, on y^e morrow, being y^e 28 of y^e 8 M^o, 1647.

Sarg^{nt} Major Daniell Dennison psenting himself to y^e Courte with a warrant, from y^e toune of Ipswich, to serve as deputy in y^e roome of M^r Bartholmew, but, on informa^ōn y^t all y^e freemen had not notice of y^e meeting, y^e choyce was judged illegall, & he dismissed, & not accepted.

In ans^r to y^e peti^ōn of Rob^t Elwell, W^m Broune, & W^m Dudbridge, a review was graunted of an ac^ōn betweene them & M^r Tutle, at y^e next Courte of Assistants, so as they give him fowerteene dayes notice thereof.

[Blank.]

1647.

27 October.

[*120.]

Pumhom to
be supplied
with corn.

Jonathan Negroes
petition
granted.

Elections,
manner pre-
scribed.

*For y^e p^{re}sent order for Pumhom for his winter p^{ro}vision of corne, spoyled by those of M^r Gortons society, itt is ordered y^t a messenger be forthwth sent by y^e audito^r geñll to those p^{er}ts to treat wth Benedict Arnold for p^{ro}uring 100 bushels of corne from Pesisic at indifferent prize, to be allowed in y^e payment of y^e rest of y^e wampam dew from him.

In ans^r to y^e peti^{ti}on of Jonathan Negroes on his marrying of Jane Lugg, wyddow, relict of John Lugg, & educating y^e children of y^e said John Lugg, y^e inheritance of y^e howse & land of y^e said John Lugg is confirmed on him, & he power freely to dispose thereof graunted vnto him.

For y^e p^{re}venting of many inconv^{en}iences y^t otherise may arise vpon y^e yeerely day of elec^{ti}on, & y^t y^e worke of y^t day may be more orderly, easily, & speedily issued, itt is ordered by the authority of this Courte that the freemen in y^e severall townes & villages wthin this jurisdic^{ti}on shall this next yeere, & so from yeere to yeere for euer, make all their elec^{ti}ons by beanes & papers, as hereafter is exprest, to be taken, sealed vp, & sent to y^e Courte.

[Pages *121, *122, *123, and *124 are blank in the original.]

[*125.]

A valuation to
be taken of all
real & per-
sonal estate
throughout the
jurisdiction.

*For a more æquall & ready way of raysing meanes for defraying publicke chardges in time to cōme, & for p^{re}venting such inconv^{en}iences as have fallen out vpon former assessments, it is ordered & enacted by y^e authority of this Courte, that the Treasurer for y^e the time being shall, from yeere to yeere, in y^e fifth moneth, wthout expecting any other order, send forth his warrants to y^e constables and select men of e^{er}y town^e wthin this jurisdic^{ti}on, requiring the constables & select men to call together the inhabitants of the town^e, who, being so assembled, shall chuse some one of their freemen to be a cōmissioner for the town^e, who, together wth the select men for their prudentiall affaires, shall, from time to time, in y^e 6 month then next ensowing, make a list of all y^e males in y^e same town^e from sixteene yeeres old & vpwards, and the true estima^{ti}on of all p^{er}sonall & reall estates in y^e same town^e, according to just valluation, and to what p^{er}sons y^e same doe belong, — whether in their oune town^e or otherwhere, — so nere as they cann by all lawfull wayes & meanes w^{ch} they may vse, of viz., howses, lands of all sorts, as well vnbroken vp as other, except such as doth or shall lye cōmon for free feed of cattell to y^e vse of y^e inhabitants in gennerall, whether belonging to townes or p^{er}ticular p^{er}sons, but not to be kept or hearded vpon it to y^e damage of y^e p^{ro}prietors mills, shipps, marchandable goods, cranes, wharfes, & all sorts of catle, & all other visible estate at sea or on shore; all w^{ch} p^{er}sons and estates are by y^e said commissioner & select men to be assessed & rated as hereafter followeth, viz., e^{er}y p^{er}son aforesaid, except magis^{tr}s, 2^s 6^d p^{er} head, & all estates, both reall & p^{er}sonall, at one penny for euery twenty shillings,

according to y^e rates of catle hereafter menconed ; & for a more certaine rule in rating of catle, eüy cowe of 4 yeere old & vpwards shall be vallewed at five pounds ; eüy heifer & steere betwixt 3 & 4 yeeres old, 4^{li}, & betweene 2 & 3 yeeres old, 50^s, & betweene one & two, at thirty shillings ; eüy ox 4 yeeres old & vpwards, sixe pounds ; eüy horse & mare of 4 yeere old & vpwards, seuen pounds ; of 3 yeere old, five pounds ; betweene two & three yeeres old, at three pounds ; of one yeere old, fforty shift ; eüy sheepe above a yeere old, thirty shift ; eüy goate above one yeer, eight shift ; eüy swine above one yeere old, twenty shift ; eüy asse, forty shillings ; and all catle of all sorts vnder a yeere old are hereby exempted ; & for all such psons as, by y^e advantage of their artes and trades, &c, are more enabled to helpe beare y^e publicke chardg then comon laborers and workemen, as butchers, bakers, brewers, victuallers, smithes, carpenters, taylors, shoomakers, joyners, barbes, millers, & masons, wth all other mannuall psons & artists, such are to be rated for their retournes and gaines pporconable to other men for estates ; provided y^t, in y^e rate by y^e pole, such psons as are disabled by sicknes, lamenes, or other infirmity shallbe exempted ; & for such servants & children as take no wages, *their parents & masters are to pay for them, but such as take wages are to pay for themselves ; & itt is further, that the comissione's of y^e seuerall townes in eüy shier shall yeerely, vpon the first 4th day of y^e seventh month, assemble at their shier toune, & bring wth them, fairely written, y^e noumbe^r of males listed as aforesaid, & y^e assessment of estates made in their seuerall townes, according to y^e rules & directions in this p^sent order expressed. And y^e said comissione's, being so assembled, shall dewly & carefully examine all y^e said lists & assessments of y^e seuerall townes in y^t shiere ; shall correct & pfect y^e same, according to y^e true intent of this order, as they or y^e major pte of them shall determine ; & y^e same, so pfected, they shall speedily transmitt to y^e Treasurer vnder their hands, or y^e hands of y^e major pte of them, & therevpon y^e Treasure^r shall give warrants to y^e councstables to collect & levye the same, so as the whole assessment, both for psons & estates, maybe paid vnto the Treasurer before the 20th day of y^e 2 month yeerely ; and eüy one shall pay their rate to y^e councstable in the same toune where it shallbe assessed ; nor shall any land or estate be rated in any other toune but where y^e same shall lye, if it be ythin this iurisdiction ; & if y^e Treasurer cannot dispose of it there, the councstable is to send it to such place in Boston as the Treasurer shall appointe at y^e chardge of y^e country, to be allowed y^e councstable vpon his accoump^t wth y^e Treasure^r, & for all peculiars ; viz., such places as are not yett laid wthin the bounds of any toune, the same land, wth y^e psons & estates therevpon, shallbe assessed by y^e raters of y^e toune

1647.

27 October.

[*126.]

1647.

27 October.

[*127.]

By both.

H. Shrimpton,
petition of.Boston and
other towns to
pay in their
assessments in
20 days.

next vnto it, y^e measure or estimacon to be by^e y^e distance of y^e meeting howses; and if any of y^e select men or of y^e comissioners shall wittingly faile or neglect to pforme the trust comitted to them by this order, in not making, correcting, or pfecting, or transmitting any of y^e said lists or assessments according to y^e intent of this order, euy such offender shallbe fyned forty shift for euy such offence, or so much as y^e country shallbe dannified thereby, so as it exceed not forty shillings; provided y^t such offence be complained of & psecuted in dew course of lawe wthin six mōth. And itt is further ordered y^t vpon all distresses to be taken for any of y^e rates or assessments aforesaid, y^e officer shall distreine goods or cattell if they may be had, & if no goods, then lands or howses; if neither goods nor lands can be had wthin y^e toune wher such distresse is to be taken, then, vpon such retourne to y^e Treasurer, he shall give warrant to y^e counstable to attach y^e body of such psons, to be carryed to prison, there to be kept till y^e next Courte of y^t shiere, except payment be made in y^e meantime. And itt is further ordered, y^t y^e prises of all sorts of corne to be receaved vpon any rate by virtue of this *order shallbe such as this Courte shall sett from yeere to yeere; & in default thereof they shallbe accepted at y^e price curreant, to be judged by y^e comissioners of Suffolke & Midlesex; the assessment w^{ch} should have binn made vpon estates y^e sixt month last, having binn omitted, shallbe forthwth called for by y^e Treasurer; to be assessed & gathered according to this p^{se}nt order, save only for the time, wth all possible expedition for discharging y^e p^{se}ssing ingagments of y^e country; y^e former order for assessments made y^e 9 month, 1646, is hereby repealed, saving y^e clawse for exemption of magis^{ts} for 500^{li}, &c, w^{ch} is hereby ordered to continew for 3 yeeres next following after y^e next Courte of Eleccons. The prises of corne for y^e rate to be now gathered are ordered by this Courte to be, wheate, 4^s 6^d p bush; barley, 4^s; rye & pease, 3^s 6^d; Indian corne, 3^s p bushel. Added to y^e order, y^t y^e select men & comissioners in each toune are required & authorized to make y^e p^{se}nt rate, & chardge the counstable wth y^e levyng thereof by y^e twentyeth of this next 10 m^o, according to, & vnder y^e penalty of, this order. By both.

In ans^r to y^e peticon of Henry Shrimpton, in y^e behalf of M^r John Bland, a Courte of Assistants vpon y^e third of y^e 9 m^o was granted him, & y^e deff^t sumoned & required to appeare & ans^r make to y^e complaint of y^e said Henry Shrimpton, in y^e behalfe of the said John Bland, he bearing y^e chardge thereof.

For y^e better encouragement & supply of oū agent & occacons in England, itt is ordered, y^t Boston, Charles Toune, Roxbury, Dorchester,

Cambridge, Water Towne, & Dedham shallbe required to pay in to y^e Treasurer their seneall pporcōns of this next rate wthin twenty dayes, y^t so y^e Treasurer, wth Mr Allen, by way of Barbadoes, may endeavor therwth to make a retourne to our agent, Mr Winslow, the sōme of one hundred pounds; & y^t to such as wee know are able maybe spoken wth & writt vnto, to give our agent credit for what he shall need in y^e meane time, till y^e retourne comes to his hands, w^{ch} may be assured shall not be long.

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In ans^r to y^e petiōn of X^oph^r Lawson, itt was graunted, y^t Tho^s Christ^r Lawson Beard should be required to answer him in his appeale at y^e next Quarter Courte at Boston, y^e said X^oph^r Lawson giving in cawtion according to law to stand vnto & abide by y^e judgm^t of y^e Courte.

Vpon y^e dismissing of Major Edward Gibbons the service of the Court in respect to his voyage to Virginia, the Depu^{ts} gave a warrant to y^e constables of Boston for y^e sumōning their freemen, & give them to vnderstand, that they have their liberty to chose another deputy in his roome, if they will; & was signed. By order, from y^e Howse of Depu^{ts}.

E. Gibbons,
resignation as
a deputy.EDWARD RAWSON, Sec^{ry}.

Y^e warrant being shewne to y^e Magis^{ts}, they added their consent, & so on a mistake their sec^{ry} signed a warrant to y^e same purpose; but, on conference about y^e mistake, of their consent, it not being desired, their ans^r *was retourned in these words: This being the secretaries warrant for his to y^e toune for choosing another deputy, it must remayne vpon record; but it being so passed by a mistake, y^e Magis^{ts} thinke fitt to declare, y^t it shall not be as any p^rsident to p^rjudice y^e liberty of y^e Deputyes in y^e like case, but y^t they may supply their oune company according to their liberty & y^e law established.

[*128.]

Signed,

JO: WINTHROP, Go^{vt}nr.The oath of y^e publicke notary.

Yo^r sweare, &c, that in y^e office of a publicke notary, to w^{ch} yow have binn chosen, yow shall demean yo^rself dilligently & faithfully according to y^e duty of yo^r office, & in all instruments, writings, & acts y^t yow are to give testimony vnto, when yow shallbe required, yow shall p^rforme the same truly & sincerely, according to y^e nature thereof, wthout delay or covin; & yow shall enter & keepe a true register of all such things as belongs to yo^r office. So help yow God, &c.

Notary public's
oath.

Whereas this howse hath comitted vnto them the affaires of y^e country

1647.

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in their spheres, to be transacted wth as much prudence as maybe, and finding chardges to amount above expectacōn, ffor further satisfacōn to ourselves & expression of our tendernes of y^e estates of all whom it doth or may concerne, itt is ordered, that henceforth from time to time y^e first day of sitting ^ ^

Sargeant English & W^m Fiske, on their requests, are dismissed from y^e^{er} further attendance on y^e service of the Courte.

[Blank.]

[*129.]

W^m Hatevill's
petition, an-
swer to.

*In ans^r to y^e petiōn of W^m Ballew, Hateevill Nutter, Richard Parker, John Maning, Robt Knight, Hugh Gunnison, Edmond Grenlefe, Tho^o Burton, X^topher Lawson, W^m Furbur, W^m Bacon, & John Butler, who desire, in pursuance of an order of y^e last Courte, held at Douer, y^t all y^e creditors of W^m Walderne, deceased, should attend this Gennerall Courte, for to make demand of their debts, & proclamaōn being both made at Boston & Douer to y^t purpose, wee desire wee maybe putt into some course how to come by the estate of y^e sd W^m Walderne, to be divided amongst vs apportionably, according to our debts.

Order on the
estate of W^m
Walderne, de-
ceased.

Itt is ordered by y^e authority of this Courte, that the estate of y^e said W^m Walderne be deliuered into the hands of Cap^t Wiggin & Edward Rawson, who are hereby authorized to call any before them that may give evidence concerning his estate, & where it lyeth, to administer oath for y^e full discouery & deliuey thereof to them, & to examine all the bills & debts that shall any way by the petiōne^{rs} be claymed as dew from y^e said W^m Walderne; & what they shall find to be justly dew, to make an æquall distribution of the said estate of y^e said W^m Walderne to y^e seuerall creditors, making retourne of what they shall doe herein, vnder their hands, to the next Gennerall Courte; provided, y^e chardge of y^e comission^{rs} shallbe defrayed & borne by y^e estate before y^e diviōn. By both.

[*130.]

*For the p^rventing of many inconvenies that otheruise may arise vpon y^e yeerely day of elecōn, & y^t y^e worke of y^t day maybe more orderly, easily, & speedily issewed, itt is ordered by the authority of this Courte, that the freemen in the seuerall townes & villages wthin this iurisdicōn ^ ^

[The remainder of page *130, and pages *131, *132, *133, and *134 are blank.]

[The following is in the handwriting of Mr. Torrey.]

**At a Generall Court of Election, held at Boston, the 10th of May, 1648, at w^{ch} time there was chosen*

1648.
10 May.
[*135.]

John Winthrope, Esq^r, Gouvernor.

Thō Dudley, Esq^r, Dep^t Gouvernor, Reserue Comission^r.

Asistants, John Endecott, Esq^r, Major Gen: Comission^r,

Rich Bellinghā, Esq, Reserue Comission^r,

Herbert Pelham, Esq^r,

Rich Soltonstall, Esq^r, Reserue Comission^r,

Increase Nowell, Gen^t, Secretarie,

Symon Bradstreet, Gen^t, Comissiono^r,

Thō Flint, Gen^t,

Samuel Symonds, Gen^t,

W^m Hibbins, Gen^t,

Joh Winthrope, Juⁿ, Gen^t,

W^m Pinchon, Gen^t,

Cap^t Robt Bridges, Gen^t.

Rich Russell, Treasurer.

The names of the Dep^t sent from the seuerall townes w^{thin} this jurisdiction were as followeth:—

Salem: M^r Emanuell Downinge, Cap^t W^m Hawthorne.

Charlstowne: Major Rob^t Sedgwick, M^r Rich Russell.

Dorchester: Cap^t Hu^m Atherton, M^r Joh Glouer.

Boston: Cap^t Keayne, James Penn.

Roxbury: Joh Johnson, W^m Parkes.

Watertowne: Rich Browne, Briant Pendleton.

Lin: M^r Holliokey, Thomas Layton.

Cambridge: Edward Jackson, Rich Jackson.

Ipswich: Major Denison, Rob^t Payne.

Newbery: Edward Rawson.

Waymouth: W^m Torrey.

Hingham: Nicholas Jacob, Thō Vnderwoode.

Concord: Rich Griffin.

Dedham: Michall Powell.

Salsbury: Lieutenant Pike.

Hamptō: W^m Estow.

Rowley: Thomas Mighill, Maximilian Jewet.

Sudbury: Walter Haynes.

Brantree: Steuen Kinsley.

Glocester: Obadiah Brewen.

Woburne: Joh Write.

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10 May.

Wenham : Esdras Reede.

Hauerill : Robt: Clement.

Reding : Rich Walker.

Douer : W^m Furber.Cap^t W^m Hawthorne was chosen Speaker for this sessiō.

[*136.]
Stewards to be
appointed for
the General
Court or dep-
uties.

*FOR the avoydinge of all vnnessessary charges by *by* the expences of the deputies in their comings to, continuance at, or returns from, the Gen^l Court, its ordred, that henceforth, from time to time, the first day of the session of this howse after the Speaker is chosen, that there shalbe two of their members chosen for stewards for that session of Court, who shall order & regulate the dyet of the howse, & to take care that there be no further charges put on the country account, but the just & nessessary expences of the members only, except of such psons as shalbe invited by the Speaker or stewards, or at least brought in by their consents; and further, it is ordred, that the stewards shall take notice of the just & nessessary expences of the dep^s in their comings to, or returnings from, the Gen^l Court, which they shall only allow vnder their hands to be payd by the Treasurer, they themselues beinge first satisfied of such nessessary charges from the ordinary keeper vnder the hand of the dep^s; and it is ordred, that the auditor gen^l shall signe no bills of charges of the dep^s, but such as shalbe first signed by the stewards of the Court from time to time. This law was agreed to & voted by the dep^s as a standing law, & to be incerted in the records, & all other orders made in this respect are hereby repealed.

Pvision for
powder.
Powder.

Whereas this Court is sufficiently informed that its nessessary that some speedy pvision be forthth made for the renewinge of a stocke of powder for the countryes store, it is therefore ordred, that fifty pounds of the first money which comes into the countryes hands by way of rate or leuie, or else by the impost of wines, shalbe deliuered into the hands of the Treasurer & surueior gen^l, Joh Johnson, for the purchasing of powder therewith by the first oppertunitie which shall p^sent. By both.

Answ: to Teds
pet.

The answer to the p^{et} of Joh Tedd was, that the Court did not thinke meete to alter the ordinarie course of satisfactiō for adventors, but that the petitioner should take his land, where it may be layd out for reasonable conueniency, accordinge to order of this Court. By both.

Answ: to New-
b^y pet.

In answer to the p^{et} of the inhabitants of Newbery about the choyce of a cap^t, it was ordred, that they should p^{ceede} to a new electiō, & make choyse of two men, & p^sent their names, of which the Court might allow one, whom they should thinke fitt; and Major Denison is hereby desired to be p^sent at the election to se it orderly caryed on. By both.

In answer to the pet of Nathaniel Newgate, the fine of ten pounds, which he was to pay for sellings of guns to the Indians, is abated to forty shillings, besides what he hath already payd vnto the Indians & Francis Smyth. By both.

1648.

10 May.
 Answer to New-
 gates pet.

*In answer to the pet of Capt Rich Dauenport, about areers dew to the garison, it was ordred, that Major Sedgwick, Capt W^m Tinge, Capt Humphry Atherton, & Surveior Gen Johnson should be a comittee, & are hereby authorized & enabled to examine, determine, & dispose of all psons areers, fines, & things that are wantinge, as to any three of them seemes meete & convenient; & powre is hereby giuen to the committee, or any thrée of them, to leuie by distresse any areers or fines from such inhabitants of any of the townes from whom they either are or shalbe due, or otherwise, & forthwith to pay it to the sd Capt Davenport; and powre is hereby also giuen to the sd committee to impresse men for the supply of the garison at the Castle Iland out of the seuerall engaged townes, & to doe whatsoever else by vertue of the commissiō to Lieutenant Norton, &c, might haue ben done, or shall seeme to any three of them nessessary to be done, in or about the pmisses which already is not pvided for, till this Court take further order. Dat 13th 3^d, 1648.

[*137.]

Answer to Capt
 Daunports pet.
 Castle busi-
 ness.

13 May.

By the Gennerall Court.

INCREASE NOWELL.

In answer to the request of the inhabitants of Andivour, Edward Faulkner is authorized by this Court to sell wine, there payinge to the treasury for what he drawes as others doe. By both.

Answer to An-
 diuor pet.

In answer to the request of the towne of Salisbury, M^r Samuel Dudley, Christopher Batt, & Robt Pike ar authorized to end small causes there accordinge to order. By both.

Ans: to Sals-
 pet.

Whereas, vppon a survey taken of all sorts of corne in all the seuerall townes in these p^{ts}, it appeares that there is not sufficient for the nessessary sustentatiō of the inhabitants for two moneths, & out of this there must be had for the vse of straungers resorting vnto vs, & victuallinge of shippes, &c, it is therefore ordred, by the authoritie of this Court, that no wheat, rye, barley, or Indian corne shalbe transported into any forraigne parts, vppon any p^{te}nce or collour whatsoever, before the 12th of the sixth moneth, called August, nor shall any pson sell or put aboard any shipp or vessell any corne, to the end the same should be transported to any forraigne p^{ts}, vppon payne of forfeitinge for every bushell of corne so transported, put aboard, or sould contrary to the intent of this order, 20^s, the one halfe to the pub^l treasury, & the other halfe to the informer; provided, this order shall not extend to any corne or grayne which within one moneth last past was, or hereafter shalbe, brought

Ord: about
 corne.

Grain not to be
 exported.

1648.

13 May.

into this jurisdictiō by way of marchandize, nor to any corne now in the hands of any pson or his assignes, which by former contract made here, in England, or elsewhere, bonâ fidē is to be dd to any pson or vessels to be transported, but that every such pson may transport all such corne, any such order to the contrary notwithstanding. This order to be published in Boston forthwith, & in all the townes in this jurisdictiō. By both.

[*138.]

Gourn^s gratuitic.

*This Court, with all thankfullnes, doth acknowledge the great good service of o^r honou^d Gouvernor in his last yeares service in that place, &, in the behalfe of the country, render him humble & harty thanks, & desire his loving acceptan^c of an hundred markes, as a slender token of theire acceptaⁿ of his care in that place, & to be payd out of the next leuie. By both.

Ans: to Downings pet.

Whereas M^r Downings farme, lyinge in the way betweene Lin & Ipswich, is conceiued to be a convenient place for the releife of travilllers, at the request of the sd M^r Downinge, its therefore ordred, that his tennant dwelling vppon the sd farme shall haue libtie to keepe an ordinary there, he beinge such a one as the towne of Salem shall approue of for that imploym^t. Voted by both.

Payns actiō.

Vppon the issue of the cause depending betweene M^r W^m Payne & Cap^t Champnoone, the charges allowed to M^r Payne by the Court, all things considered, was fowre pounds eight shillings & six pence. By both.

Ans: to Ponds pet.
W^m & Mary Pond.

In answer to the petitions of Mary & W^m Ponde, it was ordred, that if the administratiō be not allready taken, that forthwith it shalbe, as also an inventory pduced to the next Quarter or County Court, that the state may be settled, so as may be both for the comfort & peace both of widdow & children. By both.

Ans: to Hall pet.

The pet of M^{rs} Rebecca Hall, for the confirmatiō of the sale of certayne lands left her by her husband, is refe^rd to be answered at the Court at Hampton.

Ans: to Cradock pet.

In answer to the pet of M^{rs} Rebecka Cradocke & Thomas Androwes, for 679^{li} 6^s 4^d, which the country is indebt^d to them, it was ordred, that the petitioners should bringe legall pfe that the fore^sd sum is due to them from y^e country, before the pet be graunted, & their agent may sue y^e Tresurer at y^e next Court, & a speciall jury warned for y^e triall.

Ans: to King pet.
Robert Knight & Dav. Yale.

In answer to the pet of Rob^t Knight & David Yale, marchants, concerninge the estate of M^r Wonerton, of Sträbery-banke, it was ordred, that in regard the cause had ben formerly in this Court, & there (vppon a full hereing of all p^ties) receiued a finall determination, & no new matter or evidence alleadged by the pet^r, or the rest concerned in it, that they should rest satisfied with the former determination. Consented to by both.

In answer to the p^{et} of W^m Gerish, Richard Lowle, &c, who desire the judgm^t of the Court in a doubtfull expressiō in the will of Joh Lowle, of Newbery, concerninge ten pounds worth of clothes giuen to his daughter, the Court conceiues the 10^{li} in clothes, mentioned in the s^d will, as giuen to Elizabeth Lowle, (of hir mothers clothes, now liuinge,) is to be vnderstood of the clothes of her grandmother, Elizabeth Goodall, & out of them she should be satisfied the 10^{li} legacy; *and that Richard Lowle shalbe the guardian to the children, who shall take the childrens estates, & improue it, giuinge his owne securitie into Ipswich Court next for the estate, & 8^{li} p cent pfit; the rest of the petitionors, at theire request, are discharged.

1648.

13 May.
Ans: to Gerish
pet. to W. Gerish & R. Lowle respecting the will.

[*139.]

It is ordred, that the coppie of lawes in the two roles, which were by order of Court sealed vp, with intent that, if hereafter any question should arise about the coppie now at the presse, it might be examined by this, wherby the faythfullnes of the committee might be tried, & that the other coppie, now remayning with M^r Hill, should forthwith be sent for, for the vse of the Court. By both.

Ord. about
lawes.

For the explanatiō & alteratiō of an order renewed y^e the last Geñ Court, for exemptinge of o^r hono^rd magis^ts from country & towne rates, as in that order appeares, with respect to the time therein limited, that law is herby repealed; and its ordred & enacted by the authoritie of this Court, that all o^r hono^rd magis^ts that now are or hereafter shalbe dureinge the time of their so beinge shallbe exempted from all towne & country rates, (the mayntenance of the ministry excepted,) for all theire estates, till the Court take further order. Consented to by both.

Ord: explained.

It was ordred, that W^m Arnold shall haue payment of 7^{li} 2^s, which he disbursed for 31½ of Indian corne, for Pomhom, to be p^d in wampom, or such comodities as he desires, or may be p^cured at such reasonable rates, so as he may be no looser by them, out of the next country rate, by the Treasurer; & the Court is thankfull to him for his care & paynes herein.

Arnolds bill.

George Martins p^{et} for the abatment of the 20^s, which his wife was fined, is referd to the next Court at Hampton, to doe in it as they shall see cause.

Ans^r to Martins
pet.

Francis Smyth, of Reading, hath leav to draw wine for the reffreshing of travellers & others, he paying excise, as the law in that case hath p^ovided.

Smith, of
Reading.

Comission is giuen to M^r Symons to administer the oath of Assistant to M^r Saltingstall, & to returne it to the secretary.

M^r Symonds
comissio.

In answer to the p^{et} of Joh Dand, the Court conceiues it meete, on his acknowledgm^t herevnto anexed, (which if Gd had ben pleased to bow his spirits formerly, & haue yeilded to or volluntarily made, as now he doth,) that he

Ans: to Dands
pet.

1648.

13 May.

should be freed from his imprisonm^t, & his fine is readily remitted him, to manifest the Courts ready inclinatioⁿ to shew all due encouragm^t to delinquents to confes their errors, & acknowledge the justice of the Courts pceedings, rather then to put any vppon such temptations as should either dishonour Gd or wound their owne consciences by hardening themselves in evill courses.

Land granted.

The Court hath agreed that 3000 acors of land shalbe graunted to M^r John Winthrop, Junior, of the Pequit land at Paquatucke, neere the Narragansitt country, pvided that if he set not vp ^aa considerable salt worke (we meane one hundred tuns p añum of salt) betweene the two capes of Massacusetts Bay, within three yeares now next coming, then this graunt to be voyd; pvided also, that the sd land fall within the deuision of that part of the Pequot country belonging to this jurisdictiō; pvided also, that the three thowsand acres be layd out in one place, & the former agreement with him in the countreyes behalfe is hereby repealed.

Land granted to Rev^d John Wilson, of Boston, & E. Rawson, of Newbury, 1500 acres.

In answer to the request of M^r Joh Wilson, pastor of the church of Boston, & M^r Edward Rawson, of Newbury, to whom this Court formerly graunted 1500 acres of land in the Pequot country, the Court thinks it meete to haue the sd land layd out next adioyninge to the 3000 acres graunted to M^r Joh Winthrop, at Paquatucke, neere the Narragansitt country together. But in case that M^r Joh Winthrop pforme not the conditiō with respect to the time limited, that then the 1500 acres of the sd M^r Joh Wilson & M^r Edward Rawson shalbe of the 3000 acres graunted to the sd M^r Winthrop.

Vppon the request of M^r Samuel Symons, he also is graunted to haue 500 acres of land in the Pequot country, next adioyninge to M^r Wilson & M^r Rawson, pvided it be of such land as falls to o^r pportion.

Witch watcht.
Witch.

This Court beinge desireows that the same course which hath ben taken in England for the discouery of witches, by watchinge, may also be taken here with the witch now in question, & therefore doe order that a strict watch be set about her every night, & that her husband be confined to a priuat roome, & watched also.

Mines, 5th to
the govern-
ment.

For the due encouragment of any inhabitant within this jurisdictiō that shall haue or finde any kinde of mines whatsoever in any of their owne pprieties, this Court thinks meet to declare, that the whole benefit of all such mines whatsoever are due & shall belonge to such pprietors of land wherein such mines shalbe found, to them & their heires for ever, payinge only the fift pt of gold & siluer, accordinge to o^r pattent.

Ans: to Dill
pet.

George Dill, vppon his owne & his wiues petⁿ, his forfeiture of 100^{li} is abated to 8^{li}, so he pay it in ready money to the surveior generall, or two barrels of powder.

Mr Samuel Dudley, Cap^t Wigan, & Rob^t Clements shall keep Courts in the county of Norfolke, accordinge to order of Court, & Mr Dudley hath hereby comission giuen vnto him to giue oath to the three commissioners for small causes in the seuerall townes in the sd county. 1648.
13 May.
Comissioners.

It is ordred, that the same magistrats that keepe Court at Douer shalbe desired to keepe Court at Salisbury & Hampton this yeare ensuinge. Courts.

Mr Carlton, Fraunces Parrot, & Mathew Boyse, being lawfully chosen by the ffreemen of Rowley to end small causes, according to law, are hereby confirmed therein. Comissions.

Phineas Fiske, of Wrennam, hath libtie giuen to sell wine for this year ensuinge. Fiske.

*Vpon the request of the Earle of Warwicke, the Court allowes Samuell Gorton, now a shippboard, one full weeke after the date hercof for the transportatiō of himselfe & his goods, through o^r jurisdictiō, to the place of his dwelling, he demeaning himselfe inoffenciue, accordinge to the contents of the sd earles tre, & that the marshall, or some other, shall shew him a coppie of this order, or fix it to the maine mast of the shipe in which he is. [*141.]
Libtie to Gorton.

Whereas Elizabeth Pinion, of Lin, being formerly charged with adultery by two seuerall bills of indictement, the Court, vpon examina^t of witnesses, finding her not legally guilty thereof, acquits her of capitall punishment, but order, that she shall, for her swereinge & adulterous behavio^r, be seuearly whipt twise, first at Boston, & then agayne at Lin, within one moth after. Pinio aquited,
&c.

Whereas Hugh Gunison, of Boston, was lately sued at a Quarter Court for two butts of wine, which he had in his hands of Robt Knights, merchant, which was due to the country for custome of wines, & was cast in the actiō, & pd 11^{li} more then the sd Robt Knight will allow him, its therefore ordred by the authoritie of this Court, that the sd Hugh Gunison shall haue the fore^{sd} 11^{li} payd agayne by the auditor vpon acc^o, together with such charges as he was adiudged to pay by the Quarter Court, & the auditor shall haue libtie to take a due course in law for the recouery of the same of the afore^{sd} Rob^t Knight. Gunison sued.

Its ordred by this Court & the authoritie thereof, that the sergent majors of every regiment shall forthwith list all such psons for troops to be vnder their comaund as shall willingly giue in their names to serue on horsbacke, who shall be bound to fure or six dayes of exercise every yeare, at such times & places as the major or leutenant of the troopp shall appoynt, vnder the penalty of 5^s for every default, to be distrayned by the clarke of the trooppe, who shalbe sworne to leuie all forfeits for non appearance & defect of armes, Ord: about
troops of horse.

1648.

13 May.

[*142.]

as the clarke of the foot companies are ; & all troops shall be furnished with horse, bridle, & saddle sufficient, with sword, belt, & case of pistolls, with holsters, or a carbine in a belt, at the appoyntm^t of the major, & to be allowed by him with one pound of powder & 20 bullets, or otherwise to the forfeit of 10^s for every defect, vnles the major se cause to mitigate or respite the fine ; & it is also ordered, that all other defects & delinquencies of the troopers in the time of their exercise, & while they are vnder comāund, shalbe punishable by the two cheife officers of the trooppe, & to be distrayned by the clarks as they are in the foote compānies ; & no troop once listed shall haue libtie to withdraw himselfe from the service without allowance from the major, but shalbe alwayes ready to attend all service that he shalbe comāunded by authoritie ; & for the encouragm^t of this service, this Court doth hereby graunt to every troop that is or *shalbe furnished as is exprest in this order : First. Exemp^t from all traynings in all foote companies & constables watches ; 2^y. Freedom from rates for his pson & horse ; 3^y. Free comōnage for his horse in any of the towne comōns where he inhabits, & in any comōns where they are exercised during the time of their exercise ; 4^y. Fiue shillings p aūm, to be payd him by the Treasurer ; 5^y. Libtie to chose a lieutenant & other inferior officers ; 6^y. His horse shall not be prest to any other service ; 7^y. Free ferrage to & from their places of exercise, which shalbe p^t of the rent of those fferries which pay rent to the country ; but such as pay no rent to the country shalbe allowed their s^d ferraḡ out of the treasury. This order to continue for the space of 3 years only, vnles the Court shall further confirme it.

Dorchester ferrie.

Vppon certayne informatiō giuen to this Court, that there is no ferrie kept ouer Neponsit Riuer betweene Dorchester & Brauntry, whereby all that are to passe that way are enforced to head the riuer, to the great pⁱudice of those townes thereabouts, & that there yet appeares no mā that will keepe it vnles he may be accomodated with hous, land, & a boat, at the charge of the country, its therefore ordred by the authoritie of this Court, that M^r Joh Glour shall & hereby hath full powre giuen him, either to graunt it to any pson or psons for the terme of 7 yeares, so it be not chargable to the country, or else to take it to himselfe & his heires as his owne inheritan^c for ever, p^rvided that it be kept in such a place & at such a price as may be most convenient for the country & pleasing to the Gen^lall Court.

50^u to M^r Winslow.

Its ordred by this Court, that the Treasurer, Cap^t Keayne, & James Penne shall take order to returne 50^u to M^r Winslow at London, & to haue powre to engage the country for the same, & for such intrest as they shall agree vppon, & the same to be satisfied out of the next rate, in such townes

& in such paym^t, brought in by the s^d rate, as themselves shall make choyse of; & this is ouer & aboue the 50th assigned him by the Treasurer allready.

1648.

13 May.

Treasurers ac
compt.

Its ordred by this Court, that the audito^r gen^l: & Cap^t Tinge shall take the Treasurers acc^{ts} once every yeare, & p^{re}sent the same to this Court, the first session of the Court, yearly, & that they shall take the accounts of the p^{re}sent Treasurer for the time past, befor the next session of this p^{re}sent Court, that so it may appeare from time to time what is in the treasury or what we are indebted.

Its also ordred, that the co^mmissiono^rs for the rates in every shire shall within one moth after theire meetinge *send in to the audito^r generall a trew transcript of the rates in the seuerall townes within such shire, who shall deliuer them ouer to the Treasurer to be collected as by the former order for that end established.

Comission^{rs} for
rates.

[*143.]

The Gouverno^r, Dep^t Go^uino^r, M^r Bellingham, M^r Hibbens, M^r Symons, Cap^t Hawthorne, Cap^t Keayne, Cap^t Atherton, the surueio^r generall, & M^r Edward Jackson are appoynted a co^mmittee to joyne to p^{re}se the articles of confederac^on of the Vnited Collonies, as also the acts which haue past the co^mmissiono^rs already, which may seeme to confound the powre of o^r Generall Court, or so interfere with it as may in a short time proue, not only p^{re}iudiciall, but exceedinge vncomfortable. And, in the examinatioⁿ thereof, what they shall finde of that nature, to take notice of it, & to drawe v^p what remedies they can thinke of, with such arguments as may be p^{re}valent with all whom it may concerne, to be as ready as o^rselves to certifie what is or may be found amisse, that o^r posteritie may haue no cause to blame vs for vnitinge o^rselves in such a way as is feared doth not now, nor is like to, answer y^e ends of the collonies hereafter, & what the majo^r p^{ar}t of this co^mmittee shall determine of (according to this order) to p^{re}sent by our commissiono^rs to the rest of the co^mmissiono^rs of the Vnited Collonies, that so this Court may rec^e a satisfactory answer from them accordingly at the next session of this Generall Court after the meetinge of the co^mmissioners; & further, this Court refers M^r Eatons h^{er}e to theire considerati^on, & giues them powre to rec^e answer therevnto; & the day of their meetinge shalbe the first fowrth day of the fowrth moneth next.

Committee on
articles of con-
federation.

Forasmuch as it appeares vnto this Court, vpon the petiti^on of M^r Johⁿ Thomson, sonne & heire of David Thomson, deceased, that the s^d David Thomson, in & about the yeare 1626, did take actual possessi^on of an iland in the Massachusetts Bay, called Thomsons Iland, & being then vacu^m domiciliu^m, & before the pattent graunted to vs of the Massachusetts Bay, & did erect the forme of a habitac^{le}, &, dyinge soone after, left the petiti^on an infant,

Ans: to Tom-
sons pet.
Thompson's is-
land claimed.

1648.

13 May.

who, so soone as he came to age, did make his claime formerly, & now agayne by his peť, this Court, consideringe the p̄mises, & not willinge to depriue any of their lawfull right & possessiō, or to p̄mitte any p̄iudice to come to the peť in the time of his nonage, doe hereby graunt the s̄d iland, called Thomsons Iland, to the s̄d Joh̄ Tomson & his heires for ever, to belouge to this iurisdiction, & to be vnder the gouern^t & lawes thereof.

Sudbury.

At the request of the inhabitants of the towne of Sudbury, Edmund Rice, Edmund Goodenow, & W^m Browne are appoynted cōmissiono^rs to end small causes there accordinge to law.

Noyse to
mary.

M^r Petter Noyse also is appoynted by the authoritie of this Court to joyne such p̄sons in marriage as haue bin published according to order at Sudbury affore^sd.

[*144.]

Ans: to Salsb:
pet.

*In answer to the peť of the towne of Salsbury, the Court conceiues it meet that the little iland in Merimacke be reserued for the countryes vse, & the greater iland is hereby giuen to the towne of Salsbury, reseruinge a sufficient high way for men & cattlc, & the towne shall haue libtie to keepe a ferrie on their side.

Cōmittee to ex-
amine the laws.

Its ordred, that the audito^r gen: & M^r Joseph Hill shall examine the lawes now at the presse, & to see if any materiall law be not put in or mentioned in the table as beinge of force, & to make suply of them.

Capt. Keayne
to haue £30.

Its ordred, that Cap^t Keayne shall haue the 30^u which he layd out to M^r Fenwicke (which, vpon examinatioⁿ, we finde to be due vnto him) out of the next country rate.

Ordred, that in the booke of lawes, tittle Appeales, in the last line saue on, (just) to be entred next before chargs, & the auditor gen: to see it entred in every booke.

Courts resolu-
tions on vari-
ous proposi-
tions.

The resolutions of the Court concerning some p̄positions made to the Generall Courts of all the Vnited Collonies: 1 p̄positiō, paḡ 17. Forasmuch as a meetinge is intended with the Dutch, in the 4th moneth next, for the endinge of diffrences & setling trade, its thought expedient to deferre any determinatioⁿ about this p̄position vntill the result of that meetinge shall appeare, & then Court shall know better how to p̄ceede.

p̄positiō 2, paḡ 17. In case where, for want of agreement of six cōmissionors, the matter shall be referd to the 4 Generall Courts, it is the mind of this Generall Court, concurring with the desire of the cōmissionors, that the agreement of any three of the Generall Courts shall determine the question. This Court will consider further of this.

p̄positiō 3^d, paḡ 24. This consistinge of many braunches, & the Court not hauinge time to consider their owne lawes & practise in this case, haue deferd it to a committee to examine, & to certifie the next Court.

Propositio 4, pagē 24. It appeares in the booke of the acts of the commissiō's, that M^r Fenwicke should joyne with vs in ruīnge that south line, to deuide the question about Worronoco; but M^r Fenwicke fayld to send any to joyne with vs, wherevppon we did it at o^r owne charge, & Woronoco was therevppon ordred by the commissiō's to belonge to the Massachusets; but we shalbe ready to joyne with o^r brethren of Conecticote in a new survey, so as they wilbe at the whole chardge in this, as we were in the other, & withall pduce theire pattent as we have done.

Propositio 5, page 25. This Court consents to this ppositiō, for allowinge two Indians, each of them, as, &c, vppon confidence of M^r Elliots good assurance of the faythfulln^s of those two Indians, so as the order be drawne vp as an act of this Court. And this Court hath chosen the Gouernor, Cap^t Keayne, Cap^t Atherton, & Majo^r Denison to be a committee, they or any three of them to pforme this, the Gofinor being one.

*In answer to the pet of Lawrence Southwicke, it is ordred, that the petitioner shall pay the 35^s charges mentioned in the sd pet, & Scot, that is his servant, shall serue so much time wth his sd master, when his time shall be expired, as shall be well worth 35^s, or satisfie the sd Southwicke otherwise. By both.

In ans^r to the petition of Cap^t Rob^t Keayne, Richard Broune & Richard Parker, Octob^r 20, 1648, (w^{ch} was) verbatim, sheweth, —

That whereas this honored Courte, about Decemb^r, 1646, did graunt vnto your petitioners, and some others, libertie to view and lay out diuerse ꝑcells of lands, dew vnto them, betweenc the bounds of Dedham and Water Toune, if it were there to be had; and whereas, by order of Courte, the said grantees were to meete at the house of Richard Fairebanks, Decemb^r 25, 1646, there to putt in their seuerall pporciō's of land they were to have, & then to cast lotts who should be first, & next laid out in order, w^{ch} yo^r petitioners did accordingly, and the first lott, for a thousand seventy nine ac^s, fell to Cap^t Rob^t Keayne; the second, for two hundred thirty six ac^s, fell to Richard Broune; and the third, for fower hundred thirty six ac^s, fell to Richard Parker; after w^{ch} settlement yo^r peticiō's, to their great troubles & chardge, did goe to view the said place, where there was no such considerable quantity of land to be had, being taken vp before by M^r Dunsters farne and others; therefore yo^r peticiō^{rs} humbly desier this Courte that yow would graunt them power to veiw and lay out their seuerall pporciō's of land, and according as their lotts fell, in some place wthout the bounds of Dedham line, if it be there to be had, and that the Court would appointe Edward Jackson, wth some other surveyor, that they cann gett to lay out the same; & yo^r peticiō^{rs} shall humbly pray. This peticiō was graunted by both howses.

1648.

13 May.

[*145]

Ans: to Southwicke pet.

20 October.

[Pages *146, *147, and *148 are blank.]

1648. **At a Session of the Generall Court of Election, held at Boston, the 18th of the 8th Moth: 1648.*

18 October.

[*149.]

M^r Richard Russell was chosen Speaker for the first weeke. Thomas Vnderwood, a deputie from Hingham, vpon his vrgent occasions, was dismiss the Court.

Dutchmans
fine abated.

The master of the Dutch shippe, in regard he was but a straunger, his forfeit of eight pounds, for makinge 4 shotts in o^r harbour vppon the L^ds day, is remitted to forty shillings.

Shoe makers
incorporated.

Vppon the petition of the shoemakers of Boston, & in consideration of the complaynts which haue bin made of the damaḡ which the country sustaynes by occasion of bad ware made by some of that trade, for redresse hereof, its ordred, & the Court doth hereby graunt libtie & powre vnto Richard Webb, James Eucrill, Rob^t Turner, Edmund Jackson, & the rest of the shoemakers inhabiting & howskeepers in Boston, or the greatest number of them, vppō due notice giuen to the rest, to assemble & meete together in Boston, at such time & times as they shall appoynt, who beinge so assembled, they, or the greater number of them, shall haue powre to chuse a master, & two wardens, with fowre or six associats, a clarke, a sealer, a searcher, & a beadle, with such other officers as they shall find nessessarie; & these officers & ministers, as afforesd, every yeare or oftener, in case of death or departure out of this jurisdiction, or remoueall for default, &c, which officers & ministers shall each of them take an oath sutable to their places before the Goūnor or some of the magists, the same beinge p̄scribed or allowed by this Court; & the sd shoemakers beinge so assembled as before, or at any other meetinge or assembly to be appoynted from time to time by the master & wardens, or master or wardens with two of the associats, shall haue power to make orders for the well gouerninge of their company, in the mannaginge of their trade & all the affayres therevnto belonging, & to change & reforme the same as occasion shall require, & to añex reasonable pennalties for the breach of the same; provided, that none of their sd orders, nor any alteration therein, shalbe of force before they shalbe p̄vsed & allowed of by the Court of that county, or by the Court of Assistants. And for the better executing such orders, the sd master & wardens, or any two of them with 4 or 6 associats, or any three of them, shall haue power to heare & determine all offences agaynst any of their sd orders, & may inflict the pennalties p̄scribed as afforesd, & asseesse fines to the vallew of forty shillings or vnder for one offence, & the clarke shall

giue warrent in writinge to the beadle to leuie the same, who shall haue power therevpon to leuie the same by distresse, as is vsed in other cases; & all the sd fines & forfeitures shalbe imployd to the benefit of the sd company of shoemakers in generall, & to no other vse. And vpon the complaynt of the sd master & wardens, or their attorn^y or advocate, in the County Court, of any pson or psons who shall vse the art or trade of a shoemaker, or any pt thereof, not beinge approued of by the officers of y^e sd shomakers *to be a sufficient workman, the sd Court shall haue power to send for such psons, & suppress them; provided also, that the prioritie of their graunt shall not giue them precedency of other companies that may be graunted; but that poynt to be determined by this Court when there shalbe occasiō thereof; provided also, that no vnlawfull combination be made at any time by the sd company of shoemakers for inhancing the prices of shooes, bootes, or wages, whereby either o^r owne people may suffer; provided also, that in cases of difficultie, the sd officers & associats doe not pceede to determine the cause but by the advice of the judges of that county; provided, that no shoemaker shall refuse to make shooes for any inhabitant, at reasonable rates, of their owne leather, for the vse of themselves & families, only if they be required therevnto; provided, lastly, that if any pson shall find himselfe greiued by such excessiue fines or other illegall pceedinges of the sd officers, he may complayne thereof at the next Court of that county, who may heare & determine the cause. This commission to continue & be of force for three yeares, & no longer, vnles the Court shall see cause to continue the same.

1648.

18 October.

[*150.]

Shoemakers

The same comission, verbatim, with the same libtie & power for the same ends, vpon the like grounds, is giuen vnto Thomas Venner, John Millum, Samuel Bidfeild, James Mattocks, W^m Cutter, Bartholomew Barlow, & the rest of the coops of Boston & Charlstowne, for the pventing abuses in their trade. To continue only for three yars, as the former, mutatis mutandis.

Coops graunt.
Coopers.

In answer to the pet of Robt Saltingstall, the Court allowes him libtie to sue for his land as he desires, and if Douer men haue damnified him, he may sue for recompence; for except he had mentioned the order of this Court in his piudice, we cannot take notice of any; for the writing he speakes of in David Sellacks hand, if he will not pduce the pet, may compell him to it by course of law, & w^h it is pduced the Court will consider of it.

Ans: to Saltingstalls pet.

Whereas the keepinge of sheepe tends much to the good & benefit of the country, & may make a good supply in a short time towards the clothinge thereof, if they were cařfully pserued, and forasmuch as all places are not

Ord: for sheepe
in commons, 5
sheep equal to
a great beast.

1648.

18 October.

[*151.]

convenient for that end, it is therefore ordred, that henceforth it shall be lawfull for any man to keepe sheepe in any common, be it for cowes, oxen, &c, belonging to the towne where he liues, or where at that time he may haue right of common, & that without any limitation in commons not stinted; and in such commons that are stinted, it shalbe lawfull for any inhabitant to keepe any or all his pportion in sheepe, accounting 5 sheepe to one great beast. And it is further ordred, *that if any pson shall course with a dogge, or other wayes molest such sheepe, by driueing them from their feedinge, he shall pay 5^s for every offence, besides double dammages; & if any dogg shall kill any sheepe, the owncr shall either hange his dogg forthwith, or pay double dammages for the sheepe; if y^e dogg hath bene seene to course or bite any sheepe before, not being sett on, & his owner hath had notice thereof, then he shall both hange his dog & pay for the sheepe; if, in such case, he refuse to hange his dog, then the constable of the sd towne shall cause it to be done. By both.

Ans: to Engalls
pet.

In answer to the p^{et} of Robt Engalls, concerninge the death of his father at Lin bridge, it was ordred, that a warrent should goe from this Court to the marshall of Salem, to warne another jury, none to be of Lin, to enquire of the death of the sd Engalls, & to certifie it to the next Court of Assistants, & the jury to be sworne by Cap^t Bridges. By both.

Ord: about
woolues.
Wolues, bound-
ty for killing.

Its ordred by this Court, & by the authoritie thereof enacted, that any inhabitant, English or Indian, within this jurisdiction, that shall kill any wolfe or wolues, makeinge good p^{fe} to the constable of y^e towne where such wolfe is killd, bringing of their heads, which the constable is to bury, if any English shall kill any, he shalbe allowed thirtie shilling, at the least, by the constable of the towne for the time being, ten shillings whereof the Treasurer, in the next leuie that issues out of that towne to the country, he shall allow to the cunstable; and for every Indian that shall kill any wolfe, he shalbe allowed 20^s, ten whereof shalbe allowed by the Treasurer, as before, backe agayne to the constable, as affore^{sd}. This law to be of force for the space of fowre yeares. Voted by both.

Hounds to be
kept.

Its ordred, that the select men of every towne shall, & hereby haue powre giuen them, to purchase or p^{eu}re, with the townes stock, so many hounds as they shall thinke meete, & to impose the keepeinge of them on such as they judge fittest, that so all meanes may be improued for the destruction of wolues, & that no other dog be kept in any towne but such as the select men shall se meete; p^{ro}vided, that no magistrat shall haue any hound imposed vpon him, nor dogge taken from him, wthout his consent. By both.

Starbucke.

This Court, being informed of great misdemenor comitted by Edward

Starbucke, of Douer, with p̄fession of Añabaptisme, for which he is to be p̄ceeded agaynst at the next Court of Assistants, if evidence can be p̄pared by that time, & it beinge very farre for wittnesses to travill to Boston at that season of the yeare, it is therefore ordred by this Court, that the secretary shall giue comission to Cap̄t Thomas Wiggan & M^r Edw: Smyth to send for such p̄sons as they shall haue notice of which are able to testifie in the s̄d cause, & to take theire testimonie vpon oath, & certifie the same to the secretary so soone as may be, that further p̄ceedinges may be therein if the cause shall so require. By both.

1648.

18 October.
Anabaptist tes-
timony to be
taken.

*Whereas there hath ben lately a p̄t̄ p̄fēd to this Court, subscribed by [*152.]
the vintno^s of Charltowne & Boston, wherein they expresse theire desires Vintno^s.
for an abatement of the imposition of the Court layd vpon such as sell wine by retayle in Charltowne or Boston afforesd, or else that they might come to a compositiō for what they so sell, the Court, vpon conferance had with y^e petitiono^s, haue concluded & agreed with them as followes: that whatsoeuer is due to the country from them, or any or either of them, for sellinge of wine, or licences so to doe, vnto this day, shalbe duly payd, & full satisfaction made; & for the future we further make this agreement & composition with all the s̄d vintno^s in now licenced in Boston & Charltowne afforesd, that from henceforth they shall pay from yeare to yeare, for theire licences & libties to sell wine, & imposition layd therevpon, the full sūme of one hundred & sixtie pounds p̄ añ, current pay, to be payd by the s̄d vintners vnto the Treasurer for the time beinge, the one halfe at the expiratiō of six moneths now next ensuinge, & the other halfe at a years end; and so to continue the payment of the forēsd sūme of 160^{li}, in the forme before exprest, for the terme of fīue yeares now next followinge, they sellinge wine at such rates as they are now sould for; also, its further ordred, that no p̄son or p̄sons whatsoever, inhabiting within the townes aboue mentioned, shall from henceforth haue any libtie to sell wine by retayle but such as are already licenced, vntill the s̄d terme of fīue yeares be expired & ended; and the s̄d vintnēs to giue bond to the Treasurer, wherein they shalbe bound joyntly & seūally for the true payment of the s̄d 160^{li} yearly, accordinge to the s̄d order of composition; & Cap̄t Keayne & James Pen are chosen a com̄tee to confirme o^r graunt when the Court is ended; and for the better enablinge the s̄d vintnēs to pay the s̄d composition, & that neither they nor the country may be wronged by other p̄sons retayl- inge of wines without licence or any satisfactiō to the publick, it is ordred by this Court, that for the better reoueringe the pennalties imposed vpon such offenders by a former law, & for the better discoūy of the same, it shalbe lawfull to the s̄d vintners of Boston & Charltowne to chuse two meete

Proposals to
dealers in wine.

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psons, one for Boston & the other for Charlstowne, who, beinge allowed vnder the hand of any two of the magistraſs, shall haue powre from time to time to enter into the howses of all such psons in the sd townes as they shall suspect to retayle wines contrarie to law, & to warne such psons as they shall find there drinkeinge, or latly to haue drunke wine there, to goe forthwith before some magistrat to be examined vppon oath concerninge the same, & vppon due testimony such magistrat shall send for the pson so found to haue retayld any wine, & bind him ouer with sureties, if he see cause, to the next Court, there to be pceeded with accordinge to law, & beinge found guilty, the sd pennaltie of fiue pounds, by law appoynted, shall forthwith be leuiud without any reseruatiō or mitigatiō; and vppon any *informatiō giuen to any magistrat at any time, by either of y^e sd psons so allowed to search, or by any of the sd vintners, of any pson so retaylinge wine contrary to law, & of any psons who are supposed to be able to testifie thereof, such magistrat shall send for such pson, & pceede therein as before. By both.

27 October.

Dat: 27 (8) : 48 :

Prises of corne.
Corn.

Its ordred, that all sorts of corne which shalbe payd in the country rate shalbe payd at these rates & prises following, viz. : wheat & barly at 5^s p bushell, rye & pease at 4^s p bushell, & Indian at 3^s p bushell; provided, that this order shall not concerne any corne other then what is payd in for rates. By both.

Ans: to Hal:
pet.
R. Hall.

Whereas M^{rs} Rebeckah Hall, of Salsbury, pferd a pet to this Court for the confirmatiō of the sale of some lands lefto her by her husband, deceased, & was referd for answer to the Court at Hampton, which she being ignorant thereof, nothinge was done, the Court, vppon her second motion, refers her to be answered at the next Court at Salsbury. By both.

Ans: to Moores
pet.
E. Moors.

In answer to the pet of Edmund Moors, of Newbery, for the confirmatiō of the sale of certayne lands sould him by the executors or ofiseers of John Lowle, of Newbery, afforesd, it was ordred, that vppon the payment of the sume mentioned in the deed of sale to the executors or ofiseers of of the sd Lowle, the inheritance of the land, together with the libties mentioned in the sd sale, should be hereby confirmed. By both.

A law interpret-
ed.

A question arisinge about the interpretation of a clause in a law made (42) about triall of actions, &c, viz., whether a psonall action, as for battery, &c, arising vppon an act comitted in England, & the pties come both into this iurisdiction, whether by the sd law we are barred from trying the action of battery in this jurisdiction, it was resolued vppon by the Court, that we are not barred by that law, because a psonall actiō followes the pson, & from the pson only the cause of the action ariseth.

Ans: to Linn
pet.

In answer to the pet of the towne of Lin, for some yearly allowance

towards the repayinge of a bridg there called Lin bridge, it is ordred, that there shall from henceforth be allowed thirty shillings p annū out of the treasury of the country toward the mayntenance of the sd bridge, for which the inhabitants of Lin are for ever to repayre it.

1648.

27 October.
Lynn bridge.

Whereas, by a former order of Court, the maio's of the sefall regiments are to cause theire sefall regiments to meete & exercise once in every yeare, which is found by experience to be ouerburdensome to the country, for the pvention whereof, as also that the millitary officers & souldiers might haue all due encouragment in the pformance of theire office & services, as well as some relaxation of theire paynes & charges, it is ordred, that the regiment vnder Major Gibbons shall meete & exercise together the next yeare, & that regiment vnder Major Sedgwicke the next yeare after, & that regiment vnder Major Denison the the third yeare, so that euery yeare one regiment only shall so meete & exercise together, & that every yeare that regiment **that regiment* that shall so meete & exercise, the maior thereof for the time beinge shall haue twenty pounds allowed him out of the treasury to defray his charges. By both.

Ord: about
maio's.
Orders about
militia.

[*154.]

Whereas the last order concerninge the Castle, about three yeares since, appoynted a garison of 20 men in summer & ten in winter, besides the cap't & gunner, which charges amounted vnto 280^{li} p annū; at 30^{li} p annū for the cap't & gunner, & 12^{li} p annū for the souldiers, 150^{li} to be p'd by the country, the remaynder by the 5 townes, viz., Boston, 52^{li}; Roxbury, 15^{li} 12^s; Dorchester, 20^{li}; Cambridge, 20^{li}; Charlstowne, 20^{li}; notwithstandinge, we are informed that by reason of the small allowance to souldiers, the Castle hath seldome or neuer ben supplied with the full number before mentioned, & many times with vnmeete & vnseruiceable men, & however the townes are willinge to continue the former contributions accordinge to theire pportions, yett are not able to supply men according to theire first vndertakinge without inlarginge theire contributions, which be to heauie a burthen at the least to some of them: these things considered, the Court doth therefore order, that a garison of ten men a weeke, from the 10th of the 2^d moth till the 10th of the 8th moth, & 6 men a weeke for the other six moths, shall suffice; provided, that vpon an allarum giuen by the Castle, viz., by shootinge off two great guns, & firing of a beacon, & hoysting & lowering the flag, or any two of the sd signes, the counsell of common wealth, or, in theire absence, the Gou'nor, or any magistrate, or, in theire absence, the cheife millitary officer then in Boston, shall forthwith send 40 men, sufficiently armed, & d, for defence of the sd Castle, till further order be taken.

Ord: about y^e
Castle.
Castle, doings
respecting.

And to the end that the Castle may be constantly furnished with the
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foreſd garison of ten men in summer, & six in the winter, it is further ordred, that euery souldier shall haue allowed him viij^s a weeke; & if meete men cannot be hired by the cap^t of the Castle for the ſd allowance of viij^s a weeke, he, the ſd cap^t, shall haue powre from the Go^vnor for the time being, or any two magistrats, to presse meete men for the afforeſd seruice; & the cap^t shall take care to imploy the ſd souldiers 4 howres a day, either in repaying or addinge to the fortificatiō of the ſd iland as in his discretion he shall thinke meete; and, whereas there wilbe in this way about fortie pounds p anⁿ of charges lessened, it is ordred, that Cambridge shalbe abated 5^{li} 15^s p anⁿ; Roxbury, 24 bushells of Indian corne, & the country to haue the benefit of the rest, which wilbe neere 30^{li} p anⁿ; the other three townes to contynue theire former contributions. By both.

Ans: to Mis-
ticke pet.

[*155.]

In answer to the pe^t of the inhabitants of Misticke, concerninge the alteration of a high way between Winnesmet *and Reddinge, it is ordred, that Thomas Line & M^r Joseph Hills shalbe joyned with the former com^{it}tee, to take a new suray of of the most convenient place for the way in the pe^t mentioned, & to make certificate to the Court of theire apprehensions thereabouts. By both.

Ans: to Mr.
Pelham's pet.
T. Waldgraves
heirs.

In answer to the pe^t of M^r Herbert Pellam for eight hundred acres of land, due to him, for & in consideratiō of one hundred pounds aduenture, put into the common stocke by himselfe & his father, M^r Thomas Walgraue, it is ordred, that the ſd M^r Pelham should haue his 400 akers of land for himselfe, & the other 400 acres for the heires or assignes of M^r Thomas Walgraue, in such place or places as not pⁱudiceinge any plantation he, the ſd Herbert, shall, by his agents, find out & allot vpon. By both.

Ans: to Bost:
Pet.
Boston fair.

In answer to the pe^t of the inhabitants of Boston, for two fayres in a yeare, to continue for two or thre dayes togeather, the Court hath graunted theire request, the one to be the first third day of the third moth, & the other the first third day of the eight moth, to continue as afforeſd. By both.

Ans: to Coles
pet.
E. Cole peti-
tion.

In answer to the pe^t of M^{rs} Elizabeth Cole, widdow, for satisfactiō in respect of the cancellinge of a deed of 40 markes p anⁿ, it was resolued vppon that this petitiono^r hauing received a satisfactorie answer vppon a former petitiō, for the restoringe her ſd deed to its due force & efficacie, (which her selfe acknowledgeth,) this Court hath no more to doe, especially the petitioner not hauinge vsed any endeour to reape the benefit of the ſd order, by psecuting vppon her ſd deed, as she ought, & p^ttended to doe; & whereas she p^ttends the absence of her brother, Francis Dough-
tie, &c, this Court will endeour to pcure him here to Boston to answer her, &c, if shee will put in good securitie to pay such charges & damages as

shalbe judged agaynst her, if the cause, vpon hearing, shall passe agaynst her. By both. 1648.

27 October.
Ord about
drunknes.

Whereas it is found by experience that a great quantitie of wine is spent, & much thereof abused to excesse of drinkinge, yea, vnto drunkenesse itselfe, notwithstanding all the wholesome lawes pvided & published for the pventinge thereof, which tendeth much to the dishonour of Gd, the discredite of the gosple, the shame of the country, & very offensive to all godly people amongst o'selues, & such as are in confederation with vs, and it is to be feared that if it be not speedily pvented, it will some stroake of Gds heaue hand vpon vs, its therefore ordred by this Court, that if any pson or psons who are allowed to sell wine or beere shall from henceforth conceale in his howse any pson that shalbe found drunken, & shall not forthwith peure a cunstable, whereby such a drunken pson may be brought before some magistrate, to the end he may receiue condigne punishment, as also in the meane time to stay such a drunken pson vntill a cunstable can be peured, he, the sd vintner, or drawer of beere, shall forfeit for every such default fīue pounds, to the vse of the country; and it is hereby declared that the power of each magistrat is further ratified, & theire vtmost *care therein is further desired, & that as often as they shall thinke meete they shall commaund a cunstable to accom-

[*156.]

pany them by day or by night, to enter into any tauerne or victualling howse, to search out any such disorders as afforeſd, and findinge any such pson or psons, to imprison them, or put them into the stockes, accordinge as he shall see cause, vntill it shall be determined of according to law. By both.

Forsdicks fine
abated.

Stephen Forsdicke beinge fined for his miscariage, by this Court, twenty pounds, vpon his peſ, & the reasons therein alleaged, his sd fine is abated to fīue pounds, which being well satisfied, his land is discharged accordinge to his desire. By both.

Answ: to Dedh.
pet.

In answer to the peſ of the inhabitants of Dedham, Eliazer Lusher is confirmed to be theire capt, Joshua Fisher their leutenant, & Henry Phillipps their ensigne. By both.

Vpon the request of those whom it most concernes, the village at the New Meddowes, at Ipswich, shalbe henceforth called Toppesfeild. By both.

Ans: to Dor-
chester pet.

In answer to the peſ of the inhabitants of Dorchester, for some iland for & towards the mayntenance of a free schole amongst them, & in leiuē of Tomsons Iland, which is now taken from them, it was agreed vpon by the Court, that when the towne should pſent that which was fit to be giuen, it should be conferd vpon them.

Vpon the request of M^r Joh Eliot, pastor to the church at Roxbury, it was ordred, that none in Boston should sell wine to the Indians but W^m

Ord: about In-
dians.

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27 October.

Phillipps, vpon pennaltie of 20^s, to be heard & determined by any magistrat, in case of drunknes. Consented to by both.

Vpon the request of the inhabitants of Wooburne, Leiuetenant Edward Johnson is appoynted for one yeare to marry such psons there as are published according to order.

Ans: to Ando:
Pet.

In answer to the request of the inhabitants of Andou^r, that some meete men might be appoynted to set out the way from Andou^r to Newbery, from Andou^r to Rowly, & from Andovo^r to Ipswich, it was ordred, that in regard no psons were nominated, it should be issued by refferinge those whom it may concerne to the County Court, who haue powre to order matters of this nature.

Arnold's bill
graunted.

W^m Arnold, p^sentinge a bill of charges to the vallew of 5^{li} 10^s 7^d, which he layd out at seuerall times for the countrys vse, as by the sd bill appeares, is allowed the fore^sd s^ume, with 3^{li} 6^s & 8^d for his owne charges & paynes, for which he neuer had allowance. By both.

Websters bill
allowed.

Joh Webster, cunstable at Strabery-Banke, p^sentinge a bill of charges for the cariage of Henry Taylor to the prison at Boston, to the vallew of 5^{li} 4^s 0, as by p^ticulers in the sd bill appeares, for the satisfactiō of whom, it was ordred, that the secritary should giue warrent to the marshall of *Puscatague to leuie the same out of the estate of the sd Taylor; & if Taylor hath not sufficient, &c, then the sd warrent to be to require it of the inhabitants of Puscatag, & for non payment to leuie the same.

[*157.]

Ans: to Oliuers
Pet.
M. Oliver.

In answer to the petitiō of Mary Oliver, for the remissiō or abatm^t of her fine of ten pounds, layd vpon her by the Court at Salem, for some miscariage, it was ordred, that her fine should not be remitted, but that the Court would take some further triall of her vpon her p^sent submissiō & p^mise, but are willing & doe order, that her sd fine shalbe respited for the leuying of it vntill the Court shall giue further order therein.

Ans: to Hei-
dons pet.

In answer to the pe^t of Joh Heydon, for some releife in respect of his distracted or possessed child, it is ordred, that the petitioner shall haue five pounds giuen him by the country, to be payd by the auditor generall out of the reuennes that cometh from the impositiō layd vpon wines. By both.

Ans. to Leuens
pet.
R. Leauens.

In answer to the petitiō of Rachell Leuens, of Roxbury, it is ordred, that, accordinge to her request, she shall enioy the howse & land left her by her late husband (Joh Leauens) dureing her naturall life; findinge the howses & fences in repayre, so to leaue them to her children after her decease; and also it is further ordred, that the land sould by her sd husband before his death vnto Martin Stoben, & since by him vnto Richard Gardener, shalbe

confirmed & made good vnto the sd Martin, & Richard Gardener, & to his assigns for ever. By both. 1648.

In answer to the peť of Major Generall Endecott, for the laying out of fve hundred & fifty acres of land graunted to him by the country, & two hundred & fifty acres giuen to Cap^t W^m Hawthoř, & two hundred & fifty acres giuen to Cap^t Traske, both of Salem, it is ordred, that all the sd lands shall forthwith be layd out in such places where the Court hath graunted them; & the men appoynted to lay it out are Leiutenant Walker & Sergeant Marshall, both of Reddinge. By both.

27 October.
Ans: to M^r Endecotts pet.

Christopher Clarke beinge fined for shootinge off some great guns in the night in the harbour at Boston, vppon his peť his fine is remitted. By both. Clarks fine remitted.

For the better caryinge on of the occasions of the Generall Court, & to the end that the records of the same, together with what shalbe p̄sented by way of peť, &c, or passe by way of vote either amongst the Magistrats or Deputies, may hereafter be more exactly recorded & kept for publicke vse, it is hereby ordred, that as there is a secretary amongst the Magistrats, (who is the generall officer of the common wealth,) for the keepinge of the publicke records of the same, so there shalbe a clarke amongst the Deputies, to be chosen by them from time to time; and that theire shalbe p̄vided by the auditor generall fower large paper bookē, in folio, bound vp with vellam & pasboard, agaynst the next Court of Elections, when the officers are to begin theire duties, & theire recompence to be payd accordingly; two of which sd bookes shalbe deliuered to the secretary, & two to the clarke of the Howse of Deputies; one to be *a journall to each of them, the other for the fayre entry of all lawes, acts, & orders that shall passe the Magistrats & Deputies; that of the secretary to be the publicke records of the country, that of the clerke to be a booke only of coppies; and that the secretary & clerke for the Deputies shall briefly enter into theire journalls respectiue the titles of all bills, orders, lawes, petitions, &c, that shalbe p̄sented & read amongst them, what are referd to committees, & what are voted negatiue or affirmatiue, & so for any additions or alterations. And that all bills, lawes, petitions, &c, that shalbe last concluded amongst the Magistrats, shall remayne with the Gouvernor till the latter end of that session, & such as are last assented to by the Deputies shall remayne with the Speaker till the sd time when the whole Court shall meete together, or a committee of Magistrats & Deputies, to consider what hath past that sessions, where the secretary & clerke shalbe p̄sent, & by theire journalls call for such bills, &c, as haue passed either howse; & such as shall appeare to haue passed the Magistrates & Deputies shalbe

Ord: for secretary & clarke.

Books for records to be provided for secretary and clerk of Deputies.

[*158.]

Manner of keeping the public records.

1648.

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delivered to the secretary to record, who shall record the same within one moneth after every session, which being done, the clerke of the Deputies shall haue libtie for one moneth after to transcribe the same into his booke of coppies; and such bills, orders, &c, which haue only passed the Magistrates, shalbe delivered to the secretary, to keepe vpon file, & such as haue only past the Deputis shalbe delivered to the clarke, to be kept vpon file in like manner, or otherwise disposed of, as the whole Court shall appoynt; and that all such lawes, orders, & other acts of Court conteyned in the old bookes that are of force, & not ordred to be printed, shalbe transcribed into some alphabetically way, or methodically way, by direction of some committee that this Court shall appoynt, & deliuered to the secretary to record in the first place in the sd booke of records, & then the acts of other sessions in order accordingly, and a copie of all to be transcribed by the clarke of the Deputies, as afforesd; and that the secretary shalbe allowed for his paynes 20 marks p annū, & the clerke of the Deputies ten pounds p annū, to be payd by the Treasurer, till the Court shall appoynt their recompence by fees or otherwise. By both.

Farmours of
custome.

Forasmuch as we find by experience some inconveniencys that arise in gettinge in & gathering vpp the custom of wine, as it hath hitherto ben carried on, & that we are willinge to avoyd offence as much as may be, in consideration whereof, as also for & in the *consideration of the sume of one hundred & twenty pounds p annū to be giuen by Major Robert Sedgwicke & M^r Richard Russell, of Chalstowne, it is ordred, & the Court doth hereby

[*159.]

Excise on wine
farmed out.

graunt the sd custome of wines for & dureinge the terme of fowre yeares now next cominge, they or either of them paying the foreſd sume of one hundred & twenty pounds p annū to the capt^t & garrison at the Castle, as a pt of that which the country is engaged to pay vnto them, or otherwise, as the Generall Court shall appoynt from time to time; and full power is hereby giuen vnto the foreſd Major Sedgwicke & M^r Russell to vse all lawfull wayes & meanes for the recouery of the same accordinge as the law in that case hath pvided.

Ans: to Lin
pet.
Lynn iron
works.

In answer to the inhabitants of Lin, who, in their pet^t, desire a right vnderstandinge of a clause in the libtie graunted to the vndertakers of the iron workes, viz., what is intended by ffreedome from all publicke taxes, assessments, & contributions, whether pticuler towne taxes, &c, both ciuill & ecclesiasticall, it is resolued on by the Court, accordinge to that which the law interprets, that by publicke rates, taxes, &c, are ment rates, leuies, or as sements of the common wealth, & not of the towne or church. By both.

Ans: to M^r
Rawsons pet.

In answer to the petitiō of M^r Edward Rawson for satisfaction in regard

of charges he hath ben at, & dammnages which he hath sustaynd, about pvisions to make gunpower, it is ordred that, in regard of his great forwardnes & readynes to advance so hopefull a designe as the makinge of saltpeter within this jurisdiction, who, for that end & purpose, hath disbursed certayne monyes to his great losse & damage, p̄sented to vs at large in his petition deliuered into the p̄sent Court, haue therefore, in consideration of the p̄mises, & answer to his s̄d p̄t̄, giuen and graunted vnto him & his heires forever fīue hundred acres of land at Pequot, to be layd out by the appoyntment of this Court, as also fīue pounds to be payd him out of the treasury. By both.

Whereas by experience it is found very burdensome to this Court that many petitions of inconsiderable concernment are at every Court p̄sented, which occasions much expence of time, & tends greatly to the exhaustinge of the estate of the country, in consideration whereof, it is ordred by this Court, that from henceforth all petitions which are of a common & ordinary nature, the petitiono^r shall, on the deliuey thereof, pay vnto the secretary or clarke, where the same shalbe deliuered, two shillings & six pence for every petitiō; and all petitions for the abatement of fines, or the remittment thereof, shall pay vnto the secretary or clarke ten shillings; and all petitions for gratuities shall likewise pay ten shillings, in manner & forme as is before exprest; and all petitions that concerne controversies betwixt p̄son & p̄son, towne & towne, shall pay ten shillings; as also all petitions for debts betwixt p̄tie & p̄tie brought from Quarter *Courts, or that concerne appeales, shall pay ten shillings, besids the charge of the Court, as by former order is p̄vided for; and all other petitions, of what nature so ever they be of, to pay accordinge to these p̄portions, p̄vided that all such petitions as concerne any engagement that shalbe betwixt the country & any of o^r creditors are herby exempted; and that any magistrat or deputie of this Court may p̄sent any petition wherein his owne p̄sonall right is concerned, payment of fees exempted; and that there shalbe a trew entry made by the secretary of the number of petitions that shalbe deliuered to the Magistrates; and that the like shalbe done by the clerke of the Deputies of all the petitions which shalbe deliuered vnto them; & all such fees as are p̄duced by such petitions shalbe receiued or secured by the secretary or clerke, & discounted in p̄t of theire annuall allowance giuen vnto them by the Court, or considerations expressed in the order that concerne theire employm^t. By both.

Vppon the petition of Frauncis Hudson & James Heydon, farmours of Charlstowne ferry, wherein they expresse there desirs that some course may be taken to p̄uent passengers disorderly pressinge into boats & escapinge out

1648.

27 October.

Petitiono^r to
pay.
Petitions to the
court taxed.

[*160.]

Deputies ex-
empt from pe-
tition fees.

Ans: to feri-
mens pet.

1648.

27 October.
Order for ferry-
men.

of them without paying their fare, pretending that they have nothing to pay, or that they are on the country's service, it is ordered, that from henceforth it shall be lawful for any ferriman to demand & receive his due before his boate puts off from shore, nor shall he be bound to passe over any that shall not give satisfaction; & any ferry man may refuse any wampom not strunged or vnmmerchantable; & such persons, whether horse or foot, which are passage free by order of Court, must shew something sufficient for their discharge, or else must pay as others doe, except magistrates & deputies, who are generally knowne to be free. By both.

Law books distributed to the members.

It is ordered by the Court; that the booke of lawes, now at the presse, may be sold in quires, at 3^s the booke; provided, that every member of this Court shall have one without price, & the auditor generall, & Mr Joseph Hills, for which there shall be fifty in all taken vpp, to be so disposed of by the appoyntment of this Court.

Pococks pay.

It is ordered, that Mr Pococke shall have his fifty pounds, to be paid to his agent here in com, if he will accept of it; if not, some course to be taken by the Treasurer to pay it in England if he can, & the like course to be taken for the payment of Mr Sherly.

Armitage to sell wine.

Joseph Armitage hath liberty graunted him to sell wine at Lin for one year now next coming, for which he is to pay 6^d 13^s 4^d to the Treasurer.

[* 161.]

Townes fined.

The townes of Dorchester & Hull, for being defective in sending in their commissions, & for not furnishing them with sufficient instructions for making the country rate, their fines specified in the order concerning rates are abated unto five shillings a towne. By both.

The townes of Brantry & Hingham being defectue in sending in their commissions for making the country rate, their fines specified in the order concerning rates are abated to forty shillings a towne. By both.

Ans: to Davison pet. abt Misticke bridge.

Misticke bridge.

In answer to the petition of Nic^o Davison, in the behalfe of Mr^s Cradocke, for the repaying & mayntayning of Misticke bridge by the country, the sd Mr Davison being sent for, the evidence he can give being heard & examined, with the records of the Generall Court, it appears that though the Generall Court did engage for an exemption from rates for that yeare, & finishing the same on their owne charges, which accordingly hath been performed; but it appears not that in the least the Generall Court did ingage to the repaying thereof; the Court, being satisfied with the records, doe order that the sd Misticke bridge henceforth shall not by the country any way be repayed, & that the passage for travellers shall be over the ford which is above the bridge. And further, for the preventing future charges about bridges & high wayes, it is ordered, that all bridges & high wayes in the limitts of the

seuerall townships that now are, or hereafter shalbe, made, shall by the seuerall townes in whose limitts such bridges & high wayes are, be by them made, repayred, & mayntayned. By both.

1648.

27 October.

The iland called Lovills Iland is giuen vnto the inhabitants of Charltowne & theire heires for ever; pvided, that halfe of the timber & firewood shall belonge to the garison at the Castle, to be impropued wholly there. This was ordered with the consent of the deputies of Charltowne. By both.

Lovills iland.
Lovell's island.

In answer to the pet of Pomhom, sachem of Showamat, who complaines of iniuries offred him by the English there, it is ordred, that when the season of the yeare shalbe fitting, comissioners shalbe sent to heare & determine the matters of this pet, & to make certificate thereof, so as the Court may pceede to determine the same accordinge to justice, which is the rather to be done because the other pties haue complaind to the comissioners latly of great iniuries & damages sustayned by them from the petitionor & his men; and that the Gouvernor, or some other, be intreated to write to the English who abuse them, to forbear any further so to doe. By both.

Ans: to Pomhom.

M^r Saltingstall & M^r Symons, two of the magistrats of this jurisdiction, being fined for their absence from Court fifty shillings, each of them, vppon hearing of their excuses, & finding them to be reasonable, their fines are remitted. By both.

Magistrats
fines remitted.

It was left to the Court of Asistants, if they should thinke fit, to appoynt a day of thanksguiuing throughout the collony.

Thankes giuing.

*This Court, beinge informed that there is a dangerous passage, for want of a bridge ouer Ipswich riuer, about 4 miles from Reddinge, especially in winter, & at the springe, when the waters are high, where some travellers haue beene in great danger of drowninge, it beinge the comon roade to Andouor & Haverill, & the neerest way from the bay, by many miles, to the eastward, doe therefore order, that the lands formerly graunted to Cap^t Keayne for himselfe, & those whose lands he purchased, together with those lands which haue ben graunted to M^r Richard Browne, M^r Parker, W^m Denison, W^m Parkes, & Joh Johnson, shalbe layd out in the place where abouts this bridg is to be built, they offering, at their owne charges, p^sently to build this bridge, if no farmes be layd out therevpon already; but if there should, it is ordred, that the country should be freed from the sd bridge, & the owners of the land shalbe liable therevnto. By both.

[*162.]

Bridge at Ipswich.
Ipswich bridge
to be built.

Maio^r Gibbons, havinge some wines aboard the Dutch shippe, part whereof he intends to carry to Virginia, desiringe he may haue leaue to land so many butts as want triminge, & take them aboard agayne, without payinge of custome, hath his request graunted. By both.

Major Gibbons
gratified.

1648.

27 October.

Ans: to Hing:
pet.Ans: to M^r
Winthrops
pet.Stephen Win-
throp petition.

In answer to the pet of the trayned souldiers of Hingham, that they might be pvided for in respect of military offices, it is ordred, that M^r Bozoon Allen shalbe their lieutenant, & Joshua Hubbard their ensigne. By both.

In answer to the pet of M^r Stephen Winthrop & Barbara, late wife to Joseph Weld, for repayinge their losses & charges which they haue expended in the suite with Aldermā Barkley, the Deputies apprehend the country is no way engaged to answer the petitioners request; one mayne reason of their apprehension is, because the negative vote of the Magistrats hindred the proceedings which would haue freed the petitioners from any suites thereabouts. Voted by the Deputies.

Ord: about
Peage.

It is ordred, for triall till the next Court, that all passable or payable peage henceforth shalbe intire, without breaches, both the white & the blacke, without deforminge spotts, sutabley strunge in eyght knowne pcells; the peny, 3^d, 12^d, 5^s, in white; the 2^d, 6^d, 2^s 6^d, & ten shillings, in blacke. By both.

Gratuities.

It is ordred, that the servants of Hugh Gunison shalbe allowed from the Treasurer, for their attendance, 20^s.

The like sune also of twenty shillings is allowed to be payd to the servants of W^m Phillips, for their attendance on or honnou^d magistrats.

[Page *163 is blank. Pages *164—*208 inclusive contain records of the Deputies for the year 1656, and will be found in their chronological place in this printed volume.]

[In the handwriting of Mr. Rawson.]

1649.

2 May.

[*209.]

**Att a Gennerall Cou^{te} of Elec^{ōn}, held at Boston, the 2^d of the 3 M^o: 1649, where was chosen*

John Endecott, Esq^r, Go^vno^r, who tooke his oath.

Thomas Dudley, Esq^r, Dep^t Go^vno^r, who tooke his oath.

Asistants, & tooke their oathes: —

Richard Bellinghm, Esq^r,

Richard Saltonstall, Esq^r,

Herbert Pellham, Esq^r,

W^m Pinchon, Gent,

John Winthrop, Gent,

Simon Bradstreete, Gent,

Increase Nowell, Gent, & Sec^{ty},

W^m Hibbins, Gent,

Thomas Flynt, Gent,

Cap^t Robt Bridges.

Thomas Dudley, Esq^r, & } Com^{is}sion^{rs} for the Vnited Collonyes.
Simon Bradstreet, Gent, }

John Endecott, Esq., }
 Rich Bellingham, Esq., } Comission^{rs} in reserve.

1649.

2 May.

Edward Gibbons, Esq., Major Gennerall.

Rich Russell, Gent, Treasurer.

Deputyes chosen by the townes to serve the country at this Genall Courte.

Salem: Cap^t W^m Hawthorne, M^r Henry Bartholmew.Charls Towne: Majo^r Rob^t Sedjue, M^r Frauncis Willowby.Dorchester: M^r John Glouer, M^r Thō Jones.Boston: Cap^t Rob^t Keayne, M^r James Penne.Roxbury: Cap^t Hugh Prichard, M^r W^m Parkes.Water Towne: M^r Rich Broune, M^r Ephraim Child.Lynne: M^r Thō Layton.Cambridge: M^r Edward Jackson, Cap^t Dañ Gooking.Ipswich: Majo^r Dañ Dennison, M^r Rob^t Payn.Newbery: M^r Edw: Rawson.Weimouth: Left W^m Torrey.Hingham: M^r Nicō Jacob, M^r Jō Beale.Concord: Cap^t Simon Willard.Dedham: M^r Anthō Fisher.Salisbury: Left Rob^t Pike.Hampton: W^m Eastow.Rouley: M^r Humphry Reynor.

Sudbury: Ensiē Edmō Goodenow.

Douer:

Braintree: Cap^t W^m Ting, M^r Sam: Basse.Glocester: M^r Obadiah Bruen.

Woobourne: Left Edw: Johnson.

Wenham: M^r W^m Fiske.Haul: M^r Rob^t Cleoments.

Redding: Left Rich Walker.

Sprinfeild: John Johnson, Surveyo^r Genall.

Major Daniell Dennison, Speaker for y^s session.

Edward Rawson, Cleriē for y^s yeere.

James Penn, W^m Parks, Husbands for y^s session.

** On the 3^d May, 1649, entered, & passed 1649.*

3 May.

[*210.]

Entered wth y^s
 Deput^s, & 2^d 6^d
 paid.

RECEAVED a petition of John Gidney, of Salem, in reference to a com-
 posiōn for his impost of wyne, &c.

In ans^r thereto, Cap^t Rob^t Keayne, James Penn, & W^m Parkes are
 appointed a comitteē, & have power graunted them to compound wth him or
 any other vintner of this jurisdicōn, and to turne their impost into an

1649.

3 May.

annuall rent for fower yeeres, as they shall thinke meete to agree, so as such vintner doe come in & agree wth them at or before the end of this Courte.

By both.

Receaved a petition of Edney Bayly, of Rowley, wyddow, ffor explanacō of this Courts order in answer to hir former petition. Hir desire concurring wth Ezekiell Northin, hir p^sent husband, was graunted, y^t they should have the Courts resolution and explanacōn wthout ffee. For explanacōn of the order of the last Courte, and for a finall determinacōn of the case, itt is ordered, that the fforthy sixe pounds, given to the child or children of Edney Bayly by W^m Halsteed, remayne in the hands of Ezekiell Northin, husband to the said Edney, till Joseph Bayly, sonne of Richard Bayly, deceased, shall attayne the age of twenty and one yeeres, and then so much thereof to be paid to the said Joseph as the will of the said W^m Halsteed, the doner thereof, doth appoint; and that the said Josephs porcōn out of his fathers estate shallbe fforthy and one pounds, w^{ch} is two third p^{ts} of the said estate, w^{ch} some of forty and one pounds shall also remayne in the hands of the said Ezekiell Northin till the said Joseph shall attayne the age of fowerteene yeeres; provided, that the said Ezekiell Northin give sufficyent security to the next Courte, to be holden at Ipsuich, for the well educating of the said Joseph Bayly, till he shall attayne the age of twenty and one yeeres, and for the paying of the said legacy and porcōn as formerly is exprest.

Edney Bayly &
Ezekiel North-
is petition,
ans^r.

[*211.]

M^r Dounings
fine remitted.

*M^r Emannuell Douning his petition for the abating of his fine of ffifty shillings, for his absenting himself from the service of the Courte the last yeere, was accepted of, to be answered wthout ffee; and his fine was remitted him according to his desire.

Voted thanks
to Rev. M^r
Cabot.

Itt was voted, that M^r Speaker, in the name of the Howse of Deputyes, should render M^r Cobbett the thankes of the howse for his worthy paines in his sermon, w^{ch}, at the desire of this howse, he preached on the day of elecōn, & declare to him it is their desire he would print it heere or elswhere.

Itt is ordered, that the agreement made wth W^m Phillips, Hugh Gullison, Rob^t Long, W^m Hudson, & Robert Turner, for the chainge of their impost to an annuall rent, shall be entered amongst the records of the Courte, wth the p^rvisoos ffollowing, the act of the comittee being appved, and they discharged.

Articles of agreement, indented and made the 11th 10th m^o, 1648, betweene Cap^t Rob^t Keayne & James Penn, Deputyes of the Gennerrall Courte, held at Boston, in New England, in behalf of the *the* said Courte

of the one pte, and W^m Phillips, Rob^t Long, Hugh Gullison, W^m Hudson, and Rob^t Turner of the other pte, asfolloweth: —

Imprimis. The said Rob^t Keayne and James Penn doe, by theis p^{nts}, by virtue of an order made by the Gennerall Courte the 27th of the 8^m last past, sett, and to farme lett, vnto the said W^m Phillips, Rob^t Long, Hugh Guñison, W^m Hudson, and Rob^t Turner, and their assignes, the selling and retailing of all manner of wyne in Boston and Charlestoune, ffor and during the space of five yeeres next ensewing the said 27th of the 8^m last past.

Itē. Itt is couenanted and agreed betweene all the pties to theise p^{sents}, that the said W^m Phillips, Rob^t Long, Hugh Gullison, *W^m Hudson, and Rob^t Turner, and their assignes, shall not, in selling and retayling the wyne hereafter mençoned, take or receave of any pson or psons whatsoeuer ouer and aboue the prizes following, viz. : for all manner of sackes, muskadells, allegant and tent wyne, the rate and pporçon of ffifteene pence p quarte, and for all manner of French wines, as white wine and clarrett wine, the rate pporçon of eight pence p quartt, and so for a greater or lesser quantity pporçonably of any of the aforesaid wines during the said terme of five yeeres.

Itē. The said Cap^t Rob^t Keayne and James Penn, on the behalfe of the said Gennerall Courte, and wth the consent of the same, doe, by theise p^{sents}, covenant, pmise, and agree to and wth the said W^m Phillips, Rob^t Long, Hugh Gunnison, W^m Hudson, and Rob^t Turner, and euery of them, and their assignes, that no pson or psons inhabiting wthin Boston and Charlestoune aforesaid, shall, from the 27th of y^e 8^m, have any liberty graunted to them by the said Gennerall Courte, or otherwise, to sell any manner of wyne by retaile of any lesse quantity then a quarter caske, acording to a former order of the 3^d Courte, but only such psons and their assignes as are now licensed, vntill the said terme of five yeeres be expired.

In consideraçon whereof, the said W^m Phillips, Rob^t Long, Hugh Gunnison, W^m Hudson, & Rob^t Turner, for themselves and euery of them, and the executo^s, administrato^s, and assignes of them, and eūy of them, doe, by theise p^{nts}, couenant, pmise, and agree to and wth the said Cap^t Rob^t Keayne and James Penn, well and truely to pay, or cawse to be paid, vnto Richard Russell, gen^l, Treasurer of the jurisdicçon of the Massatsetts in New England, or his successors, the some of one hundred and sixty pounds yearely, in currant pay, in manner and forme following, that is to say, eighty pounds, vpon the 27th of 2^d m next *next ensewing the date hereof, and eighty pounds vpon the 27th of y^e 8^m then next following; and so consequently at the said dayes yeerely, eighty pounds at each day for and during the space of the five yeeres

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3 May.
Agreement wth
vintners for
their impost

[*212.]

Contract with
wine venders.

[*213.]

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3 May.

above menconed. In wittnes whereof, the pties aforesaid to theise pⁿ^{ts} have interchangeably sett to their hands and scales the day and yeere first above written.

Sealed and deliud in the psense of

John Dand,
Franc Norton,
David Yale.

W^m PHILLIPS,
RO^{BT} LONG,
HUGH GUNNISON,
W^m HUDSON,
ROB^T TURNER.

1. That the lessees shall not drawe wine in any howses but where the lessees doe or shall dwell in the same toun.

2. If they sett any assignes in those howses wthout the appbacon of the Gennerall Courte, it shallbe invalid.

3. That it be expssed what the hundred and sixty pounds p annu shall be paid in; otheruise they may pay it in comodities of w^{ch} no vse cann be made but by transporting of them, and waiting for retournes wth adventure.

Itt is ordered, that the bond of Major Rob^t Sedjuke, Rich Russell, Francis Norton, and David Yale, for the payment of the annuall rent w^{ch} they agreed wth the last Gennerall Courte to pay, as therein more amply appeares, should be recorded amongst the records of this Courte.

Agreement wth
Major Sedjuke
& M^r Russell
for the impost
of wine: 160^u
p ann.

Whereas the Gennerall Courte have sett, and to farme lett, by their order bearing date the 27th of y^e 8th last past, the customes of all sorts of wyne imported into their jurisdiction, wth all the pfitts and emolluments therevnto belonging, together wth all their power and authority for the peuring and reaveing of the same from all manner of psons w^{soeuer}, according to orders of Courte made for that purpose vnto Major Rob^t Sedjuke and M^r Richard Russell, for the full terme of fower yeeres from the 27th of the 8th last past; in consideracon whereof, wee, the said Major Rob^t Sedjuke, Richard Russell, Francis Norton, of Charlestowne, marchants, & David Yale, of Boston, marchant, doe, by theise pⁿ^{ts}, bind ourselves, and euery of vs, in the *in the some of two hundred and forty pounds starling, to pay vnto the country or Gennerall Courte, or to whom they shall appointe for the said terme of fower yeeres; after the 27th of the 8th, the some of one hundred and twenty pounds yearly, in currant pay of New England, in manner and forme following: that is to say, sixty pounds vpon the 27th of the 2nd next ensewing the date heerof, and sixty pounds vpon the 27th of the 8th then next following, and so to continew vpon the said dayes yearly, sixty pounds vpon each day vntill the

[*214.]

said fower yeeeres be expired. In wittnes whereof, wee have herevnto sett our hands and seales, 11th 10th m^o, 1648.

1649.

3 May.

Sealed in the p^resence of

John Dand,

Rob^t Keayne,

James Penn,

Rob^t Long.

ROBT: SEDJUKE,

RICH: RUSSELL,

FRANC: NORTON,

DAVID YALE.

Whereas, vpon examination it appeares vnto this Courte that it is necessary that there should be some addition made to our stocke of powder and other am^unition, to secure ourselves against an enemy, and therevpon have taken care that a supply maybe made, wee thinke it is meete and convenient that the rest of the collonyes wth whom wee are in confederation, and from whom wee should expect assistance, in case occa^sion call vs therevnto, (according to artickles of agreement,) should also be p^rovided according to their p^ropor^tions. This Courte doth therefore desire our honno^red co^mission^{rs} would be pleased to take it into their serious considera^tion, and accordingly to p^rsecute the same at the next meeting of the co^mission^{rs}, that so the rest of the collonies may be p^rovided for as wee are & expect to be.

Y^e Gen^l
Courts care y^t
y^e collonyes be
dewly &
equally p^rovided
wth powder

The answer of the Court concerning Springfield.

Wee thinke it meete that our co^mission^{rs}, at their next meeting, be mindfull to presse what arguments and reasons they cann for the reversion of the last order of the co^mission^{rs} concerning Springfield, and amongst other, these in speciall.

*1. That the co^mission^{rs} of Coⁿnecticut p^roduced no patent, or exemplification thereof, or any order of their oune Courte for their custome they require of Springfield.

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2. They had no evidence of any forte at all in being at the rivers mouth, as wee are informed.

3. By a clawse in the co^mission^{rs} order, July, 1647, when they first determined against Springfield, page 111, they provided that the said imposition should be continewed no longer then the forte in q^uestion was maintained, and the passage thereby secured as at that p^resent; yett after the said forte was demolished by fire, and no security of the passage provided, the co^mission^{rs} confirmed their former order at the last meeting.

Observations
on utility of a
fort at Sea-
brooke.

Whereas the co^mission^{rs} for the Vnited Collonyes have thought it but

1649.

3 May.

just & equall that Springfield, a member of this jurisdiction, should pay custome, or contribution, to the erecting and maintaining of Seabrooke forte, being of no force against an enemy of any considerable strength, (before it was burnt,) in the comission^{rs} oune judgment, exprest in their oune order, page 109, w^{ch} determinacō against Springfield they have also continewed by an order at their last meeting at Plimmouth, (though the said fort was then demolished by fire, and the passage not secured,) contrary to a clawse in their order p^{ro}vided on Springfields behalfe, pag 111; and forasmuch as this jurisdiction hath expended many thowsand pounds in erecting and maintaining seuerall forts, w^{ch} others (aswell as ourselves) have receaved the bennefitt of, and have at p^{re}sent one p^{ri}ncipall forte, or castle, of good force against an enemy of considerable strength, well garrisoned and otherwise furnished wth sufficyent amūition, besids seuerall other forts and batteries, whereby vessells and goods of all sorts are secured, —

Itt is therefore ordered by this Courte and the authority thereof, that all goods belonging, or any way aptaining to, any inhabitant of the jurisdictions of Plimouth, Coñecticott, or New Haven, that shallbe imported wthin the castle, or exported *from any p^{ar}te of the Bay, shall pay such custome as hereafter is expressed, viz.: all skinns of beave^r, otter, mouse, or beare, two pence p skinn; and all other goods packt vp in hog-heads or otherwise, tenn shillings p tunne; meale & corne of all sorts, two pence per bushell; biskett, sixe pence p hundred: and it is further ordered, that all such skins and other goods as shallbe imported or exported, as aforesaid, shallbe dewly entered wth the auditor gen^{er}all, and the custome thereof paid or deposited, before any p^{ar}te of the said goods be either sould, shipt, landed, or otherwise disposed of, vnder the penalty of forfeiting the said goods not s^o entered, or the dew valew thereof.

Duty to be paid
on furs & skins,
meal & corn.

Order about
custom for any
goods imported
or exported
from or to the
Vnited Colo-
nyes.

And if any inhabitant of this jurisdiction, or strainger, shall buy any of the fore mentioned goods belonging, or any wayes aptaining, to any of the inhabitants of Plimouth, Coñecticott, or New Haven, aforesaid, imported to any other parte of our jurisdiction, or shall sell or deliuer to any such inhabitant any other goods in any p^{ar}te of the Bay, wthout the Bay, wthout the castle, he shall enter the said goods wth the auditor gen^{er}all, and pay or deposit for the same, after the same manner and p^{ro}portion, and vnder the same p^{er}nalty, as is p^{ro}vided for goods, &c, brought wthin the castle. This order to take place the first day of the next month.

And the auditor gen^{er}all is here by appointed and authorized to take care for the execution of this order in all the p^{ar}ticulars thereof, either by himself or by his deputy or deputies.

Cap^t Keayne, Cap^t Ting, & Cap^t Hau^{thorne} are appointed a com^{it}tee to joyne wth some of our honno^d magis^{ts} to consider how to raise & p^{ro}cure a magazine of corne.

*Forasmuch as the lawe of God, Exod: 20: 13, allowes no man to touch the life or limme of any p^{er}son except in a judicyall way, bee it hereby ordered and decreed, that no p^{er}son or p^{er}sons whatsoever that are employed about the bodyes of men, woemen, and children for p^{er}servation of life or health, as phisitions, chirurgians, midwives, or others, shall p^{re}sume to exercise or putt forth any act contrary to the knowne rules of arte, nor exercise any force, violence, or cruelty vpon or towards the bodyes of any, whether young or old,—no, not in the most difficult and desperate cases,—wthout the advice and consent of such as are skilfull in the same arte, if such may be had, or at least of the wisest and gravest then p^{re}sent, and consent of the patient or patients, (if they be mentis compotes,) much lesse contrary to such advice and consent, vpon such punishment as the nature of the fact may deserve; w^{ch} lawe is not intended to discourage any from a lawfull vse of their skill, but rather to encourage and direct them in the right vse thereof, and to inhibit and restrayne the p^{re}sumptuous arrogance of such as through p^{re}fidence of their owne skill, or any other sinister respects, dare be bould to attempt to exercise any violence vpon or towards the bodies of young or old, to the p^{re}judice or hazard of the life or limme of men, woemen, or children.

On y^e 4th May, 1649, entered & passed.

Att the request of M^r Samuell Mavericke ffor a review of his cawse, By both. whereby he might either cleere himself or be satisfyed in the evidence formally p^{ro}duced against him, his desire was graunted, and the 9th of this instant May appointed for hearing him.

Received a petition from Newbery ffor the confirmation of Plum Island to them. Voted, y^t y^e island be divided into 5 p^{ar}tes; 2 p^{ar}tes to belong to Ipswich, 2 p^{ar}tes to belong to Newbe^{ry}, & one p^{ar}te to Rowley.

Received a petition from Marblehead requesting the power and privilege of a towneshipp to be graunted to them.

On the petition of Richard Walderne, his excuse for his absenting himself from the service of the howse for this session, being very sicke, was judged sufficyent, & he discharg^{ed}.

*Voted, that peage shall still remayne passable from man to man, acord- ing to the lawe in force. [*218.]

Rec^d a petition from the inhabitants of Hull, for the encouraging M^r Mathewes to goe to them & preach amongst them.

1649.

3 May.
Voted.

[*217.]

Contradictees
to this order
Edward Raw-
son, Ephraim
Child, Rob^t
Keayne, Simon
Willard, Rob^t
Cleoments,
James Pe^{ar}ce,
Rich^d Broune
Order for mid-
wives & chirur-
gians.

Entr^d wth y^e
Deput^{ies}, & 10^s
paid.

Entr^d wth y^e
Deput^{ies}, & 10^s
paid.

Entered wth y^e
Deput^{ies}, & 2^d 6^s
paid.

1649.

4 May.

Reed a petition from Jonathan Wade, who, for 60^{li} formerly disbursed by Tho Wade, of Northampton, for his use into the country stocke, for the furtherance of this plantaçõn, desired land in Plum Island for it; w^{ch} was denyed by both.

Mr Tilley's fine
abated to 40^s.
By both.

Reed a petition from W^m Tilley, for the abatement of a fine of fflower pounds, the answer whereof was, that wth the 10^s for fees for the petiçõn, all y^e fine should be abated to fforty shillings.

Entered wth y^e
Deput^s, & 2^d 6^d
paid.
By both.

Receaved a petition from seuerall inhabitants of Salem, ffor the exchange of a highway and landing place from the heade of the Basse River to a place called Drap's Point. Their request therein was graunted.

John Bournes
fine abated to
40^s.
By both.

In answer to the petition of John Bourne, of Salem, for abatment or remittment of his fine of five pounds, for selling strong waters w^{thout} licence, on his ingenuous acknouledgement of his offence and hartly sorrowe exprest for it, his fine was abated to forty shillings, so as he pay it w^{thin} sixe weekes from this day.

Cap^t Gooking & Cap^t Prichard appointed a comittee to drawe vp a lawe for woemens dowryes, & p^sent it to the howse.

A letter from Springfield to John Johnson, surveyo^r gen^{ll}, referred to the consideraçõn of the comittee, Cap^t Ting, Cap^t Keayne, Cap^t Hauthorne, M^r Bradstreete, being about a bridge, rates, & imposts or custome, to Coⁿnecticott.

Springfield
rates to be
abated.

In answer whereto, itt is ordered, that the toune of Springfield shall be exempted from ordinary country rates ffor the space of sixe yeeres, paying to the Treasurer for the time being ffifteene pounds yeerely; and that tenn pounds shall be allowed them out of their first yeeres payment towards the building of the bridges mençõned in y^t petition.

[*219.]

*Whereas this Courte hath, for the encouragement of troop^s, ordered, that their psons and horses should be exempted from country rates, and also that five shillings should be paid them yeerely out of the treasury, and because it is found burdensome and difficult for such troop^s as live remote to gett bills signed by the auditor, and payment of the Treasurer, of the said yeerely encouragement, itt is therefore ordered, that it shallbe lawfull for eūy trooper to discountmpt yeerely the said five shillings out of his country rate to the counstable of the toune where he lives; provided, he p^duces a noate, vnder the hand of the cheife comaūder of the troope, that he is furnished, according to order, wth horse & armes; and the Treasurer shall discountmpt of the said counstables rates w^{soeuer} he shall pay according to this order.

Troop^s 5^s, pay-
able in their
oune townes.

Entered wth y^e
Deput^s, & 10^s
paid.

Reed a petition from the inhabitants of Charles Tounc, for the Courts explanaçõn of their former graunt to M^r Mayhew, as then agent to M^r

Cradocke, and restraining the liberty that farme takes wth their catle to trespassse on Charles Toune comōns.

1649.

In answer to which petiçōn, the Court being satisfied wth the evidence of Leff Sprauge & Thō Lyne, then depu^{ts} of the Courte, that the comōn graunted then to Misticke Farme, by order of Courte, was meereley for p^rvention of their trespasssing on Charles Toune bounds, thinks meete to allow the said farme comōn for ffifteene head of catle on the backside of Misticke Farme, so long as the said land of Charles Toune, lying on the backside of Misticke Farme, lye in comōn, & no longer.

4 May
Answer to
Charles Toune
petition.

In answer to the petition of W^m Broune, ffor two hundred ac^{rs} dew for twenty five pounds putt into the joynt stocke by M^{rs} Ann Harvey, his aunt, from whom he made it appeare to the Court he had sufficyent deputacōn to require it, his request was graunted; viz., 200 ac^{rs} of land to be layd out to him wthout the west lyne of Sudbury, by Cap^t Simon Willard & Seargeant Wheeler.

Answer to W^m
Brounes
petition.

M^r Nowell, Cap^t Keayne, & Cap^t Ting are appointed a comittee to take the Treasurers accompt, as also the auditor gennells accompt betweene this and the next session of this Courte, making their retourne thereto.

Comittee to
take y^e Tre^s
accompt.

On y^e 5th May, 1649.

John Beale, at his request, was dismist from attending the service of the house till the 6th day of the next weeke.

5 May

Cap^t Willard dismist till 2^d day next.

Leff Walker dismist till 2^d day next.

*Receaved a petiçōn from George Carr, ffor the setling the fferry at Salisbury wholly on himselfe.

[*220.]

Entred wth y^e
Deputies, & 10^s
engaged for.

In answer thereto, the Courte conceaves it meete, and graunts that the petitioner, Georg^e Carr, shall have the vse of Ramm Island so long as he doth or shall dilligently attend & serve the country in keeping of the ferry betweene Salisbury and Newbery, and liberty is graunted him, as occacōn shall p^rsent, to fetch any passengers from Newbery side, and M^r Coffyn hath liberty to fetch any passengers from Salsbury side, as occacōn shallbe, that so the country may be surely served.

Ans^r to George
Carrs petition
on ferry be-
tween Newbu-
ry and Salis-
bury.

Receaved a petiçōn from M^{rs} Elizabeth Cole, wyddow, w^{ch} was admitted to be read in forma pauperis: the answer thereof was, that although Elizabeth Cole have binⁿ often answered by former Courts, and that course hath binⁿ taken to make hir cancelled deed valid, yett in regard it was long after hir brother was gonne from hence, and also much disabled to give hir satisfacōn had he binⁿ heere, the Courte thinks meete to declare, that if shee hath

Ans^r to M^{rs}
Coles petition.

1649. received any damage, the Courte is innocent, time being given hir to make hir just plea at the time when it was cancelled.

5 May.

Left W^m Torrey, at his request, was dismist till the 2^d day next, at one of the clocke.

6 May, 1649.

6 May.
Queries on military duty.

Seuerall questions, p^oounded by the major gennerall, touching his office, to this Court.

1. First, whether it be a transgression of order to spend 1, 2, or 3 of theise dayes mençoned in the comiission, in fortification, and to discipline their men that way.

Ans. The Courte conceaves the 8 dayes exercise is to be spent in the exercise of armes, wth dayes are few enough for that purpose, so many being taken of for gennerall traynings, but leave it to the wisdom of the major gennerall to improove his company 1 or 2 dayes about fortification in Boston only.

2. Who is the counsell I must repaire to for power to issew out warrants for the calling of two regiments together?

Ans. The counsell of the comon wealth.

3. What shallbe accompted sufficyent publishing the lawes made in time of warr.

Ans. In the head of the army then gathered together in the feild.

[*221.]

*4. Whether these may not be for explanaçon incerted into the comiission for the major gennerall.

Ans. The Courte judgeth it not necessary.

Majo^r Rob^t Sedjuke, for his absenting himself from the service of this howse this session, was fined five pounds.

7th May, 1649.

7 May.

Entered wth y^e
Deputys, & 5^s
payd. Rest re-
mitted.

Ans^r to Tho^s
Gayn^rs peti-
tion.

By both.

The Courte was called, and all p^{se}nt excepting Majo^r Sedjuke.

Rec^d a petition from Tho^s Gayner about the manner of disposall of the goods of the shipp Plainter.

The answer thereof was, that the Courte judged it meete that there shouldbe a copy of the records truly transcribed, and (the petitioner paying the officer for it) be deliuered him, and that the goods not inventoried shall, vpon dew prooffe, be deliuered him; & Cap^t Keayne & Cap^t Ting are appointed to examine the records transcribed.

Entered wth y^e
Dep^{ts}, & 10^s p
W^m Phillips
engaged for.

Receaved a petition from Henry Walton conce^ring some powder of his seized on as forfeited.

The answer thereto was, that, he having bound himself to p^{se}cute the

law at the next Quarter Courte, the Court judged it not meete to take y^e 1649.
cawse out of the Quarter Court, where he may have justice.

Itt was vnanimously agreed, & voted, that two hundred pounds should be given to the infant of our late honnored Gofino^s, John Winthrop, Esq^r, out of the next country levy. 7 May.
Gov^rson, grant
to, £200.

Cap^t Ting & Cap^t Prichard are appointed a com^{it}tee to drawe vp an order about the 200^a guift, that it may be putt in a secure way for the childs vse, making report to the howse of what they shall doe. Mr Bellingh^m,
Mr Nowell,
com^{it}tee.

Cap^t Prichard & Le^f Johnson are appointed a com^{it}tee to drawe vp an order about the counstable power where no magis^t is to impower them to execute the lawe on drunkards & such as drinke excessively.

Voted, that the Howse of Depu^ts should be dissolved into a com^{it}tee, or com^{it}tees, for the answering of petitions on y^e morrow, at one of the clocke.

Cap^t Keayne & James Penn, Cap^t Hawthorne & M^r Bartholmew, M^r Willowby and Cap^t Willard, & Le^f Pike are appointed a com^{it}tee to consider of a way & drawe vp a lawe ffor dividing y^e shieres, & treasury in each shier, bringing all Courts to an equality for power & nnumber, y^t what maybe y^e country be eased, & the p^{ri}udice of the negative vote p^{re}vented.

*On a 2^d motion of M^r Carr, the Courte judgeth it meete that the flerry remaynes as now it is till the next Courte at Salisbury, against w^{ch} time experience & sufficyent reasons may so appeare to the next Salisbury Courte as whereby they may judge and determine of the setling and disposing thereof, either to one, the whole, or to both, as it is, or they shall judge may best tend to the ease of the country, to whom this Courte confers power to determine and order accordingly. [222.]
2d answer to
Georg Carrs
petition on fer-
ty.

In answer to the petitions of Edward Bendall: To the 1 about the Indian squaw, he is referred to the com^{is}sion^{rs} of the Vnited Collonyes at their next meting. So judged to be
paid for.

To the 2^d, for a pattent for impving his p^{ro}ject to dive in a tubb, the Court thinks not meete to graunt it.

For the 3, a remedy against stealing wharfage, the Court judgeth that the law hath sufficiently p^{ro}vided in such cases.

8 May, 1649.

In answer to a petitionary letter of Randall Holden to come in p^{er}son into this jurisdic^{ti}on to act his oune necessary affaires, &c. 8 May.

The Courte, in p^{er}ysing his letter, sees no reason nor argument to moove the Courte to take of their just censure formerly inflicted on him; nor doe they see any p^{re}judice that may acrew to him, he being at liberty to impve any

1649.

8 May.

Left Torrey his
recompence.

attorney for himself, who may expect all dew justice amongst vs, as any of our oune jurisdiction.

Whereas Left Torrey was, the last session of the Gennerall Courte, imployed as clarke to the Howse of Deput^{es}, to frame their bills and transcribe the orders of Courte that past the last yere fairely into their booke of records, w^{ch} he hath donne, the Courte judgeth it meete to allowe him fflower pounds out of the next country levy, w^{ch} comes from the toune of Weimouth, as a recompence for his paines.

Weimouth &
Dorchester
high way.

The retourne of Tho Holbrooke, Henry Kingman, & Nathaniell Addams, of Weimouth, & Stephen Kingly & Samuell Basse, of Braintree, as comitte appointed by order of the Gennerall Courte ffor the laying out of the country highway betwene Weimouth & Dorchester, w^{ch} the Courte appved of & confirmed to be recorded acording to their agreement in the Court records.

[*223.]

Y^e way from
Weimouth to
Dorchester.

*Itt is ordered, that the country high way from Weimouth to Dorchester shall lye the p^{re}sent wonted high way from Weimouth to Braintree meeting howse, fower rods wide; and whereas at the said meeting howse the said way cannot conveniently be had at one end thereof, that therefore the said way to runne there two rods at one end and two rods at the other end thereof, and then to fall to fower rods againe, at a marked stumpe a litle beyond the said meeting howse, and so that breadth to a stumpe of a tree nere Henry Neales howse, and thence to be carryed the said breadth to the lott called Hudsons lott, rectifying the way w^{ch} now is, by taking it of through seuerall nookes, as it is markt, and through the said Hudsons lott the same breadth to the hill, going doune towards the brooke, and thence till tenn poles beyond the brooke, six rods wyde, and then to lye fflower rods wyde vnto Dorchester bounds, as it is markt by seuerall markes for that purpose.

9 May, 1649.

9 May.

Entred wth y^e
Deput^{es}, & 2^d 64
eng^d.

Receaved a petition from John Palmer, of Rowley, for the Courts confirmation of a sale of certaine lands sould to him by Rich Du^mer, w^{ch} belonged to M^r Nelson. In answe^r thereto, the Courte judgeth it meet that first, and before any pceedings be had herein, M^r Du^mer make it appeare that he had full & legall authority to make such sale.

Att the request of M^r W^m Pinchon, y^e Deput^{es} consented wth the Magis^{ts} for his dismission from the the further attending on the services of this Courte.

In answer to the peti^{ti}on of the inhabitants of Hull, concerning M^r Mathewes, the 15th day of this instant was appointed for a publicke hearing of the case, w^{ch} was attended in the meeting howse. The Deput^{es}, considering of what they had heard in the case, voted, 1. That they would not enquier

Voted.

into the matters of chardge or answers, as respecting error conce^r M^r Mathews. 1649.

2. Notwthstanding this vote, the house, by vote, judged it meete to consider whether M^r Mathewes, in respect of inconvenient and weake exp^ssions, was not worthy of some censure.

9 May.
Voted.

3. The whole Courte agreed by vote, that M^r Mathewes should not retourne to Hull, nor reside wth them.

*Voted, That wee will proceed no further at p^sent wth M^r Mathewes then [¹⁶²⁴] to an admoni^{ti}on.

The Courte, for seuerall considera^{ti}ons, judge it not meete at p^sent to dilate all the p^ticular chardges and ans^{rs} of M^r Mathewes, yett, notwthstanding, doe declare that they finde seuerall erroneous exp^ssions, others weake, inconvenient, and vnsafe exp^ssions, for which they judge it meete to order, that the said M^r Mathewes should be admonished by the Go^vno^r in the name of the Courte.

M^r Mathewes
censure.

Receaved a peti^{ti}on of Joshua Fisher, of Dedham, desiring to be ffreed from y^e custom on wyne.

In answer thereto, he was referred to the com^{it}tee ffor composi^{ti}ons, y^t so he might have a full answer.

M^r Joseph Hill, Left Sprauge, Th^o Lyne, & Frauncis Smith, as a com^{it}tee, bringing in their retourne of a high way laid out by them from Redding to Winisemett, information was given that this was lesse behooffull to y^e country then the form^r; wherevpon the Courte, considering y^t it is and willbe of great concernement to the publicke that the best high wayes be layd out from toun to toun for publicke vse, w^{ch} concernes posterity aswell as ourselves, and that no private interest should hinder it, have ordered, that M^r Cleoments, John Osgood, and Frauncis Smith, as a com^{it}tee, shall have power to lay out the most convenient way for a country roade betweene Redding and Winnisemett.

Order for a way
fro Redding to
Winnisemet.

In answer to the petition of the inhabitants of Sudbury for the enlargement of their bounds westwards, their request is graunted, and two miles is graunted to them westward to their line, so as it p^riudice not the right of W^m Broune in his 200 ac^{rs} graunted to him.

2 miles added
to Sudburys
bounds.

Receaved a peti^{ti}on from Nathaniell Boulter & Rich Swayne ffor the remittment of his fine for non appearance. The Courte, considering it hath not binn vsuall to take forfeitures in such kind for non appearance in time, or not so furnished as the law requires in such case, w^{ch} the petitioner was ignorant of, have graunted his request, & remitted his fine.

Entred wth y^e
Depu^s, & 10^s
paid.

*In answer to the petition of Solomon Francho, the Jew, who requested [¹⁶²⁵]

1649.

9 May.

In forma pauperis.
Guilt to Solomon Franco y^e Jew.

ffactorage or salarie out of y^e cargo of Imanuell Perada, consigned to the major genñll, Edward Gibbons, Esq^r, being by him intrusted and employed therein; on veiweing & hearing what he could say, the Courte could not find any cleere ground vpō w^{ch} factorage should be dew or allowed him by y^e major genñll out of the estate of the principles, no estate of Emanuell Peradas being extant; but the Court doth allow the said Solomon Franco sixe shillings p weeke out of the treasury for tenn weekes, for his subsistance, till he cann gett his passage into Holland, so as he doe it wthin that time.

10 May, 1649.

10 May.

Entrd wth y^e Deput^s, & 10^s paid.
Salisbury.

Receaved a petition from the inhabitants of the new toune at Salisbury, ffor exemption from rates to the ministry at the old toune, that so they may be enabled to encourage one to bestow his labors in a ministeriall way amongst them.

Voted, that the petiçoners should be free from rates to the ministry at the old toune, vnlesse the old toune contribute pportionally to their estates to the maintenance of a preacher to them, when & whiles they have one.

The Magis^{ts} dissented from this vote, & referred the consideraçõ of this petiçõn to the next session of this Courte.

400 ac^{rs} of land gr^{td} to Jona Wade.

In answer to the petition of Jonathan Wade ffor land, as his form^r petition desired on the same termes, fflower hundred ac^{rs} of land is graunted to him where he shall find it vndisposed of, & and so as the land found by him be not judged by this Courte pjudicyall to any toune or plantaçõn already made, or to be made.

Entred wth y^e Deput^s, & 10^s paid.
Tho Moulton referd to y^e Quarter Court.

Receaved a petition from Thomas Moulton, ffor the remitting his fine of five pounds imposed on him by the last Quarter Courte; ffor answer whereto, he was referred to the next Quarter Courte, & the rather beç there are other petitions addressed only to the Magis^{ts}, wth w^{ch} this have necessary dependance one of another.

In answer to a case ppounded for the exposiçõn of a doubtful clawse in one of the printed orders ffor absenting, & c, on y^e Lords day,—

Quæst. Whether where the law saith that, after dew meanes of conviction vsed, he shall forfeite for eñy offence 5^s, be to be vnderstood legall conviction or otheruise.

Voted, That it is to be vnderstood legall conviction.

The Courte doth order, that the surveyo^r genñll shallbe allowed, out of the next country rate, tenn pounds, as a recompence for his fower yeeres service.

[*226.]

*In answer to the petition of the tounc of Newbery, ffor the confirmaçõn

of their military officers, they having not observed the Courts order in the elecōn of their officers, the Court cannot allowe of their choyce, but graunt the petitioners liberty to proceed to a new elecōn, according to order of Courte, and to p̄sent the names of those whom they shall so elect to the County Courte, at Salem or Ipsuich, to be confirmed.

In ans^r to the petition of Cap^t Thō Wiggīn & Edward Rawson, the Courte judgeth it meete their accompt be accepted, and they discharged; and that M^r Rawson be allowed out of the estate of the said Walderne, for his paines in & about the matter of this petition, fforty shillings, and Cap^t Wyggīn thirty shillings; & that the estate of the said W^m Walderne, consisting of lands, howses, & catle, are hereby appointed to be & remayne in the hands of Hate Evill Nutter & John Hall, of Dover, to dispose of as they judge may best tend to the imp̄vement of the estate, & to be ready to be accomptable when the Courte shall thinke meete to call for it, ffor y^e satisfacōn of the creditors.

Att the request of the tounce of Braintree, Cap^t W^m Ting, Sañi Basse, & Stephen Kingsly are appointed to end smale cawses there ffor this yeere, according to lawe.

Forasmuch as our late honored Goūn^r, John Winthrop, Esq^r, vpon his death bed did exp̄sse his tender desires towards his wife and youngest child, that if the country did thinke meete to bestowe any thing on him for his service donne, that it should be to the said child, and remayne in the hands of his wife, for its educaōn, and the stocke p̄served intire for the child's vse, and forasmuch as the Courte hath not p̄vided for the disposing of the estate in case the child should dye, the Courte conceaving it just, and accordingly orders, y^t in case the infant dyes before it attayne the age of twenty & one yeeres, the one third p̄te should acrew to the wyddow of our late honored Goūn^r, and the other two third parts, one third to M^r Deane Winthrop, & the other to M^r Samuēll Winthrop, they, as yett, having had no portions out of the Goūns estate, nor like to have.

In answer to the petition of Elizabeth Fairefeeld, liberty is graunted for hir husband, himself, & their children to depart out of this jurisdicōn vnto such other parts of the world as it shall please God to dispose; provided, that hir husband shallbe vnder his former censure if he retourne hither againe.

*In answer to the petition of Charles Saunders, ffor men to be appointed to apprise the tackling and other goods in & belonging to his shipp, that was blowne vp, that so a certificate maybe made to give satisfacōn to his ounors, in England or elsewhere, his request was graunted; and Mathew Chase & Arthur Gill are appointed for that service.

1649.

10 May.

Ans^r to New-
bery petition
about military
office's.

Cap^t Wiggīn
& M^r Rawson
allowance for
comission
chardging
about W^m
Walderns
estate.

Disposal of y^e
200^{lb} guift in
case Joshua
Winthrop dye
before he come
to 21 yeeres.

E. Fairfield
has leave with
her husband to
leave the col-
ony.

[*227.]
C. Saunders.

1649.

10 May.

In answer to the letter of John Smith, who writes himself gen^{ll} asistant for the toune of Warwicke, excusing themselves of any wrong donne by them to the Indians; there being no accusa^{co}ns p^{re}ved against the inhabitants of Warwicke, the Courte finds they have nothing to chardge them wth, and if any thing afterwards appeares, the Court will referr it to the co^mmission^{rs}, at their meeting in y^e 7th m.

11th May, 1649.

11 May.

Cap^t W^m Hawthorne & M^r Emanuell Downing are appointed Associats for the County Courte at Salem for the yeere ensewing.

Co^mmittee about powder.

Cap^t Rob^t Bridges, Cap^t Rob^t Keayne, & Cap^t W^m Ting are appointed as a close co^mmittee to consider wth the surveyo^r gennerall what the store of pouders is, and what neede of repaire, making reporte to the Courte what is meete to be donne in renewing the countryes store.

Misticke named Maulden.
Malden.

In answer to the peti^{co}n of se^ull inhabitants of Misticke side, their request is graunted, viz., to be a distinct toune of themselves, & the name thereof to be Maulden.

M^r Hills gratuity.

M^r Joseph Hill is graunted, as a gratuity, tenn pounds, to be paid him out of the treasury, for his paines about the printed lawes.

Allowance of a barrell of powder to y^e Gou^{no}r^s funeral.

Whereas the surveyo^r gennerall, on some encouragements, lent one barrell & a halfe of the countryes store of powder to the millitary officers of Boston, conditionally, if the Gennerall Courte did not allowe it to them as a guift, to spend at the funerall of our late honored Gou^{no}r, they should repay it. The powder being spent on y^e occa^{co}n abovesaid, the Courte thinkes meete that the powder so deliuered should neuer be required againe, & thankfully acknouledge Bostons great worthy dew love & respects to the late honored Gou^{no}r w^{ch} they manifested in solemnizing his funerall, whom wee accompted worthy of all honor.

Entered wth y^e Depu^{ty}, & 5^s paid.

In answer to the peti^{co}n of M^r Thomas Gainer, the Courte thinkes it meete to gra^unt that he shall have a copy of the records truely transcribed, he paing the officer for it, and that the goods not inventoried may, vpon dew p^{ff}e, be deliuered him; & Cap^t Keayn & Cap^t Ting are appointed to examine the records transcribed.

[*228.]

**12 May, 1649.*

12 May.

Millitary watch.

There being many shippes in the harbor, and diuerse of them strangers, the Court judgeth meete to order, that a millitary watch be forthwith appointed in Boston & Charles Towne, to continew till any fower magis^{ts} shall see cawse to alter it

Whereas the surveyor generall, on y^e encouragement of an order of the Quarter Court, deliuered a barrell of powder to Major Robt Sedjue, & another to Major Edward Gibbons, conditionally, that if the generall did not allow thereof, they should or would pay the worth thereof, or two such barrells of good powder to him againe, the Courte being acquainted heereth, considering the countryes smailes store of powder, saw no reason to approove thereof, but ordered, that the surveyor generall should call on the said gent^l for the repaying thereof, according to their promise.

1649.

12 May.

Powder borrowed.

2 barrells of powder to be called for from Major Gibbons & Sedjue.

13 May, 1649.

On a motion of the surveyor generall, that the barrell of powder in the yeere 1640 or 1641 deliuered to Edward Rawson for the toune of Newbey, being impved p^tly to seuerall psons, imployed on the publicke service of the country about the Indian designes, by virtue of warrants from the councell and orders of this Courte, & the rest sould and wasted, might be determined by this Courte to be satisfied for, the Courte judges it meete that Edward Rawson should only satisfy the surveyor gen^l five pounds for the barrell, & the towne of Newbey & himself is heereby discharged therefrom.

13 May.

Edward Rawson & Newbery is discharged for a barril of powder.

The Courte, howeuer it hath binn & is loath to discourage such as are in authority in the seuerall regiments, as major's, who are the principle officers in that respect, & rather for p^{re}sent choose to allow the major gen^l and Major Sedjue the two barrells of powder w^{ch} at their last meeting was deliuered to them, & lent only then to require it of them againe, yett judgeth it meete to declare that it is not safe, nor will they henceforth countenance any psons whatsoever to lend to any pson ought of the countryes store that an order of this Gennerall Courte doth not appve of or require.

2 barrells of powder remitted to y^e 2 majors.**14 May, 1649.*

[*229.]

Seuerall ans^{rs} to seuⁿl queries p^{ro}pounded by the com^{is}sion^{rs} to y^e Gen^l Courte.

14 May.

1. In answer to the first p^{ro}posi^{ti}on, What should be donne in case sixe of the commission^{rs} of the Vnited Collonyes agree not whethe^r the matter should be determined by three Gennerall Courts or by foure.

Ans^r. To this wee answer, that this Courte will consider farther of this p^{ro}posi^{ti}on.

2. In answer to the 2^d p^{ro}posi^{ti}on, about the Dutch laying imposi^{ti}on vpon marchants.

Ans. To this wee answer, the Dutch go^urn^r, as wee are informed, hath

1649.

14 May.

Answer to y^r
Comission^{rs}
queries.

taken of all imposi^{ti}on layd vpon marchants there, wth, if he shall continew, wee conceive there needs no p^{ro}vi^{si}on for our oune indemnitie.

3. In answer to the 3^d p^{ro}posi^{ti}on, that the Massatusetts & Conecticut should agree vpon some æquall way for the ruⁿⁱng of the Massatusetts lyne.

Ans. Itt appears in the booke of the ac^{ts} of y^e c^om^{is}sion^{rs}, fol: ^

y^t M^r Fenwicke should joyne wth vs in ruⁿⁱng that south line to decide the quæstⁱ about Woronoco, &c; but M^r Fenwicke failed to send in any to joyne wth vs; wherevpon wee did it at our oune chardge; and Woronoco was therevpon ordered by the c^om^{is}sion^{rs} to the Massatusetts; but we shall be ready to joyne wth our bretheren of Conecticott in a new survey so as they will be at the whole chardge in this, as wee were in the other, and shall p^{ro}duce their patent as wee have donne.

4. In answer to the ques^t about the p^{ro}bate of wills & graunting of lette^{rs} of administra^{ti}on.

Ans. Wee agree & fully assent to the desire of the c^om^{is}sion^{rs}, p^{ro}vided that the seuerall Gennerall Courts of the rest of the collonies consent therevnto, and make orders accordingly.

5. To the fifth p^{ro}posi^{ti}on, of allowing two gunnes vnto two Indians, wth two pounds of poude^r and sixe pounds of shott.

Ans^r. The Courte, confiding vpon Mr. Elliots good assurance of the ffaithfullnes of those Indians, doe graunt it, wth those limitations p^{ro}pounded by the c^om^{is}sion^{rs}.

Itt is ordered, that the executione^r Thomas Bell shall be exempted from watchings.

**15 May, 1649.*

15 May.

[*230.]

Time of Nor-
folke Courts.

Att the request of the county of Norfolke, itt is ordered, that the constant dayes for keeping their County Courts from henceforth for Salisbery, from yeere to yeere, shall beginne the second Tuesday in Aprill, & at Hampton, yeerely, the first third day in October; & for this yeere Richard Bellinghm, Esq^r, & M^r Samu^{el}l Simonds shall keepe Courts there, wth Cap^t Thomas Wiggⁱⁿ, M^r Samu^{el}l Dudley, & M^r Rob^t Cleomen^{ts} as associats to joyne wth them.

Comittee for
searching writ-
ings left by the
Gourn^r.

M^r Bellingham, M^r Nowe^{ll}, M^r Joseph Hill, & Edward Rawson are ap- pointed a comittee to examine the publicke writings receaved from the former Gofino^r, & put them in order fittingly; & they are to doe it wthin 5 weekes.

Ans^r to M^r Bel-
linghm & M^r
Dum^s peti-
tion.

In answer to the peti^{ti}on of Rich Bellinghm, Esq^r, & Rich Dum^{er}, executors to M^r Th^o Nelson, itt is ordered that M^r Richard Dum^{er} shall give accompt to M^r Rich Saltonstall & M^r Sam^ul Simonds vpon oath, and they to certify the same to the next adjournement of this Court, that the

said Mr. Duñier may have his discharge as agent, or attorney, & so himself & the other executo^r may enter vpon the estate of the said M^r Nelson, & dispose of the same as executo^{rs} in beha^{lf} of M^{rs} Nelson, wyddow, & hir children, & the children of M^r Nelson by a former wife.

1649.

15 May.

16 May, 1649.

Vpon a request made to this Courte by the executo^{rs} of Xthpher Young, of Wenham, deceased, concerning the disposing of his children, w^{ch}, by his will, were to be sent into England, the Courte, in answer therevnto, judgeth it meete to order that, by reason M^r John Phillips, vnto whom the boy was to be sent, hath shewed his dislike thereof, and vnwillingness to entertaine him, that the executo^{rs} have hereby power, and are authorized, to place him forth heere in this country, so as, in their vnde^rstanding, may best conduce to the good of the child; and for the two daughters that were to be sent ouer to England to M^{rs} Elvin, that they be continewd heere vntill the executo^{rs} send to M^{rs} Elvin what was desired by the said Xthpher Younge in sending his two daughters to hir, w^{ch} if, vpon hir answer, she manifest hir acceptance of them, the two daughters to be sent by the first optunity; but, if shee refuse it, then the executo^{rs} are to place them forth as may seeme best to them, and may conduce to the good of the children.

16 May.

Ans^r to y^e ex-
ecuto^{rs} of Xthph^r
Youngs peti-
cion.

*In answer to the petiçion of M^r Rob^t Saltonstall for his land, the Courte conceaves that the petiçioner should first finde out & ppound to the Courte the place where he may have his quantity of land already graunted to him, and, if wth conveniency it may be donⁿ, the Courte will be ready to confirme it.

[*231.]

To y^e 2^d pte of his petition, conce^ring the right of the pattentees, the Courte leaves it to the consideraçion of the next session of this Courte.

To the 3^d pte of his petiçion, for a hearing betweene him & M^r Sellecke, the Courte graunts him a hearing in y^e case betweene him & M^r Sellecke, to be the next session of this Courte, p^rvided he putt in good security to the valew of 50^{li}, to satisfy & dischargd the expences of the Courte, & costs & damages of the defendant, if, vpon hearing, the case shall be adjudged ag^{n^t} him, the petitioner.

Ans^r to M^r
Rob^t Salton-
stalls petition.

In ans^r to the petition of M^r W^m Gerrish, the Courte grants his petition in manner following: 1. That ffourteene pounds & tenn shillings be abated, in regard of losses of catle, out of the hundred & ffifty pounds dew to the child.

W^m Gerrish,
Courts answer
to.

2. That the remainder of the hundred & ffifty pounds be p^rsently sett out and paid to the vse of the child, in the dwelling howse that John Oliuer lately duelt in, at Newber^y, together wth the lands that now aptaines there-

Ans^r to M^r Ger-
rish his peti-
tion.

1649.

16 May.

vnto ; & if this howse & land, wth the apurtenaunces, shall not reach to discharge the same, then to be suplyed out of the estate of M^r Gerish, in cattle or otherwise, and that the Courte appointe meete men to make the apprisall. There was one dwelling house, barne, & cowhowse, purchased by M^r Gerish of M^r Loules, wth other lands therevnto aded, w^{ch} are intended herewth to be apprized.

3. That the child should stand to the advance or losse of the valew of John Oliuer his howse & lands, according to former order.

4. That the howses & lands being apprized, the Courte may authorize M^r Gerrish, John Saund's, & M^r Edward Woodman, or such of them as they thinke meete, to be intrusted wth the estate of the child, & to sell or lett out the howses & land as they shall judge most to conduce to the benefitt of the child, giving this Courte an accompt of their pceedings herein, when they shall be called therevnto.

5. That M^r Gerrish shall have competent allowance from the pffitts of the estate of the child, for his education & maintenance, to be determined by the Courte.

This Courte doth authorize John Saunders, Richard Knight, & M^r Greenleaf to prize the said howses & land, w^{ch} w^{as} John Oliuers his estate, and what other shall be tendered for the daughter of the said John Oliuer hir portion, & to make retourne of the apprizement to the next sessions of the Generall Courte, & then to determine what allowance to be made for the child's education & maintenance ; & if the said howses *and lands shall be sould by those three men appointed by order of Courte, then to be determined by the Genn^{all} Courte, who shall keepe the said portion, & when to be paid the child.

[*232.]

M^r Mauerickes
2^d petition.

To the honored Generall Courte, now assembled in Boston.

May it please yow :

Whereas I have binn formerly chardged wth conspiracy & perjury, w^{ch}, to my vnderstanding, hath not binn suffieyently pved agt me, thō the Courte, vpon the evidences brought against me, sentenced and fined me 150^{li}, & having searched the records, cannot yett see suffieyent evidence to pve the chardges against me, w^{ch} mooved me to petition this honored Courte for a review of my cawse ; yett I desire the Court to vnderstand me, so as if I accounted myself altogether free of error, but have cawse rather to suspect and judge myself and accōns then your justice and pceedings ; and being confident and experimentally assured of yo^r clemency to others in the like kind, I am bold rather to crave yo^r mercy in the favorable remittance of my fines then to stand

either to justify myself or pceedings, w^{ch}, as they have (contrary to my intentions) proved pjudicyall and very offensive, so it hath binn, is, & willbe, my greife and trouble. I shall not trouble yow wth arguments respecting myself & family, though the burden lyes heavy in that respect; the only motive lies in yo^r oune breasts, yo^r wanted charity, w^{ch} will render yow to the world mercifull, and refresh and fully satisfy yo^r humble petitioner, who doth remaine

Your humble servant,

SAMUELL MAURICKE.

The Depu^{ts} have consented in full.

1649.

16 May

Answer to this petition: That M^r Mauricke should have one hundred Depu^{ts} vote pounds of his fine abated him. Wth reference to the consent of our honnord Magis^{ts} hereto, E. R.

The Magis^{ts}, having seriously considered of the contents of this petition, cannot finde that the petitioner hath so farr acknowledged himself guilty of his offence for w^{ch} he was fined, as doth give them such satisfac^{on} as might moove them to take of any parte of his fine; and the Magis^{ts}, having binn occa^{on}ed dilligently to survey the records in that case, cannot but justify the Courte in their former pceedings, & therefore cannot consent wth our brethren, the Depu^{ts}, in their retourne to this petition. J. E., Go^{vr}.

Itt is ordered, that the servants of Hugh Gullison shall be allowed twenty shillings out of the treasury, for their attendance on the Courte.

Itt is ordered, y^t y^e servants of W^m Phillipps shall have the like some for the like service.

*Itt is ordered by this Courte, that all appeales, lawfully obtayned, are to be accompted in the nature of a writt of error, and therevpon all farther proceedings to judgement and execution shall be suspended, and the partye appealing shall breifely, in writing, vnder his or his attorneyes hand, give to some one of the judges, from whom he did appeale, the ground and reasons of his appeale, sixe dayes before the beginning of that Courte to w^{ch} he did appeale.

[*233.]

Order about
appeales.

Itt is ordered, that it shall not be in the liberty of any toun or pson to pay peage to the country rate, nor shall the Treasurer accept thereof from time to time.

Peage not payable to y^e
Treasurer.

Itt is ordered, that the Courte of Asistants shall take cognizance of no cawse or action triable in any County Courte, vnlesse it be by way of appeale, and that no debt or action, pper to the cognizance of any one magistrate, or of any three comissioners for tryall of cases vnder forty shillings, shall be entertayned by any County Courte, or Courte of Asistants, but only by appeale from such magistrate or comissioners as aforesaid.

W^t actions are
tryable in the
Courte of
Asistants.

Y^e not to be in
force till after
the next Q^r
Courte.

1649.

16 May.
Proviſion to re-
paire y^e priſon.

Itt is ordered, that whoſoeuer in this juridiſcōn ſhall diſburſe mony or other acceptable pay for the repairing of the priſon at Boſton ſhallbe repayed out of their next country rate, wth allowance of two ſhillings in the pound; and John Johnson and James Penn are heereby authorized to give receipts to all ſuch pſons as ſhall ſo diſburſe, and to take care to improove the ſaid diſburſements for the ſpeedy repaire of the priſon.

[*234.]

Penalty for
aſking magiſt^r
counſell.

*Forasmuch as it found inconvenient and very burdensome to the magistrates, that many pſons have recourſe to them for advice and counſell in caſes w^{ch} are afterwards like to come to their cognizance in a legall way, itt is therefore heereby ordered, that after one months publication heereof, it ſhall not be lawfull for any pſon to aſke counſell or advice of any magiſtrate in any caſe wherein afterwards he ſhallbe a plaintiffe, vnder pœnalty of being diſinabled to pſecute any ſuch accōn that he hath ſo ppounded, or taken advice in, as afoſaid, at the next Courte where the caſe ſhall come to tryall, being pleaded by way of barr either by the defendant or any in his behalfe, in w^{ch} caſe the ſaid plaintiffe ſhall pay full coſts to the defendant; and if any defendant aſke counſell or advice as afoſaid, he ſhall forfeite tenn ſhillings for euery offence.

Troops 5^s pay-
able in their
owne townes.

Whereas this Courte, for the incouragement of troopers, hath ordered, that their pſons and horſes ſhould be exempted from country rates, and alſo that five ſhillings ſhould be paid them yeerely out of the treasury, and becauſe it is found burdensome and difficult for ſuch troopers as live remote to gett bills ſigned by the auditor, and payment of the Treasuſer of the ſaid yeerely incouragement, itt is thefore ordered, that it ſhallbe lawfull for euery trooper to diſcoumpt yeerely out of his country rate to the counſtable of the towne where he lives the ſaid five ſhillings; pvided, he pduceth a noate, vnder the hand of the cheife commaunder of the troope, that he is furniſhed, according to order, wth horſe & armes; and the Treasuſer ſhall diſcoumpt of the ſaid counſtables rates w^{soeuer} he ſhall pay, according to this order.

[*235.]

Order that
ſtopt the Weſt
Indy ſhips at
the Caſtle re-
peld.

Order on ſhip-
ment of horſes
or mares.

*The Courte doth thinke meete, that the order concerning the ſtopping of the Weſt India ſhipps at the Caſtle ſhould hereby be repealed, ſeing it hath pleaſed God to ſtopp the ſicknes there.

The Courte, taking into ſerious conſideracōn the inconueniency that may followe to the publiq by the exportaōn of mares, doe therefore order, that no pſon or pſons whatſoeuer ſhall, after the publication hereof, exporſe or convey any mare or mares, young or old, out of this juridiſcōn, vpon the forfeiture thereof, or the valew thereof; one halfe to the informer, and the other moiety to the publicke. And to the end that this lawe may be dewly

executed, bee it further ordered by the authority aforesaid, that no cōmaunder of any shipp or barke shall, after publication aforesaid, receave on board his vessell or shipp any other horses or gueldings but such as shallbe entered into a booke, wth the coulour, p̃ticuler markes, age as neere as maybe knownen, and pson of whom the horse was last bought, and prooffe, by witnes or oath, that he was the true ownor thereof, to be kept by Edward Bendall, of Boston, and by the clarkes of the writts in all other townes, whom the Courte heereby authorizeth to view all such as shallbe shipped. And for euery horse so entered there shallbe paid to the said Edward Bendall and other officers as aforesaid by them sixe pence; and what euer cōmaunder or master of any shipp who shall take aboard any other except such as he shall receave a note vnder the hand of the said Edward Bendall, or the said clarkes of the writts as above authorized, and entered as aforesaid, shall for such offence forfeite the some of forty shillings to the informer, and to the Treasurer forty shillings.

1649.

16 May.

Penalty for exporting mares & horses out of y^e jurisdicō.

*It is ordered, that two hundred pounds shallbe paid out of the best of the pay of the next country levye, to the surveyor^r gennerall, for the purchasing of powder for the countryes store; but in case that should fall shorte, that warrants issew out from this Courte to rayse two hundred pounds for that end; and the surveyor^r gennerall and James Penn are intreated to treate wth some of the marchants for the p̃curing of so much powder as amounteth to two hundred pounds.

[*236.]

200^{li} granted to renew y^e countryes store of powder.

Itt is ordered by this Courte and the authority thereof, that the select men of euery toune wthin this jurisdicōn shall, before the twenty fowerth of June, w^{ch} shallbe in the yeere sixteene hundred and fifty, provide for euery fifty souldiers in each toune a barrell of good powder, one hundred and fifty weight of muskett bullets, a quarter of a hundred of match, and certify vnder their hands before that time to the surveyor^r gennerall, that they are so p̃vided, vnder the p̃enalty of five pounds for the want of eūy barrell of powder, 150^{li} of bullets, ¼ C of match, as before; and the said select men are heereby authorized by this Courte to asseesse the inhabitants for making this p̃vicōn, w^{ch} shall remayne as a toune stocke ouer and besides all other p̃vicōns.

Proviōn for a toune stocke of powder.

Forasmuch as the printed lawe concerning dowries, vpon second veiwe and examinaōn, appeares not so convenient as was formerly conceaved in euery p̃ticuler thereof, itt is therefore hereby ordered, that the clawse towards the latter end of that order, that gives a wife a third p̃te of hir husbands mony, goods, and chattells, reall and psonall, after hir husbands decease, shall henceforth be repealed and become voyd, and the rest *of the said order to be, and

Widow's dowry.

[*237.]

1649.

16 May.
Order concern-
ing dowries.

remayne in full force and virtue; and it is hereby declared and ordered, that these words in the fowerteenth line of that order, viz., then by an act of consent of such wife, be vnderstood, in case it be donne by writing, vnder hir hand, and acknowledged before some magistrate to be hir voluntary and free acte, and so attested by him, w^{ch}, being certified, shallbe a full barre to such woman for euer clayming any right, title, or interest to any such estate; and it is further ordered, that where any husband dyes intestate, the County Courte of that jurisdiction where the pty deceased had his last residence shall have power to assigne to the wyddowe such a parte of his psonall estate as they shall conceave just and æquall; as also to divide and assigne to the children, or other heires, their seuerall parts and porcōns out of the said estate.

Drunkards
punishable.

Itt is ordered by this Courte, that if any pson be found druncken, by day or night, or shall in his drunckenesse offer any abuse to the counstables or others, by strieking or reviling of him or them, or vsing any indeavor, by himself or others, to make an escape, itt shallbe in the power of the counstable to comitt such pson or psons to safe keeping or imprisonment, or take bond for his appearaunce, as he shall see cawse, and that the keeper of the prison shall receave all such as shallbe so comitted, and to take but twelve pence for his fees till he be sober, and then to informe the next magistrate thereof; and in case no magistrate be in toune, the counstable shall carry him before one or more of the three men appointed to end smale causes, *and where no three men are, then to carry him before any one or more of the select men in that toune, who have heereby power given him or them to doe as any magistrate may doe in the like case, if they were p̄sent; provided, that if any delinquent shall confesse his fault, and pay his fine and other chardges, the counstable shall receave his fine, and dismis the offender; and any pson hereby authorized to receave the fines as abovesaid shall forthwth make p̄sent retourne to the clarke of the County Courte, where the offence is comitted, of what he hath donne and receaved, to the end it may be recorded. The like power in the absense of a magistrate, counstables shall have to p̄ceede wth swearers, and cursers, and vnseasonable tiplers, and company keepers.

Counstables
power.

The Courte is adjourned to the 17th of the 8^m, at 8 of the clocke in the morning.

**Att a second Session of the Gennerall Courte of Elecçôn, held at Boston, the 17th of October, 1649.*

1649.
17 October.

MAJOR DANIELL DENNISON was chosen Speaker for this session.
James Penn and W^m Parkes were chosen stewards for this session.

[*238^b.]

18: 8 Mo: 49.

The reporte of the freemens answer by the Depu^{ts} to our honnored Magis^{ts} letter and pposiçôns.

18 October

Honnored Gen^lmen: —

Had yow expected from vs an answer to your pposiçôn, made to vs the latter end of the last session, wee should have endeavored to have made such a retourne as might have testified that honorable esteeme wee have of your psons and labor; but yow, being pleased to make your addresses to the freemen, (wth to much reflection vpon the Depu^{ts}), of whom yow expect an answer this session, have deprived vs of that optuntye to expresse our dew respects wee should have binn ready to have testified towards yow, being altogether bound to retourne not our owne, but the minds of the freemen, which vpon reporte of the seuerall depu^{ts} wee find to be in gennerall full of respect and acknowledgement of debt and engagement to yow for your service and employment, the recompence whereof, w^{ch} readily they confesse not to be suitable to their desires, yett they conceave in some measure pporçônable to their condiçôn, and accordingly the major pte doe expresse themselves at p^rsent to decline any engagement of farther charge vnto themselves.

Yett, notwthstanding, out of our dew respects to yourselves, wth a tender respect to the welfare of the country, wee are bold to desire and conceave it may tend much to the glory of God, peace, and welfare of the country, if yow would please to wave your resolution in your letter exprest, w^{ch} will be acceptal and comfortable to all.

18 8^{mo}, 49.

*Itt is ordered, that Salisbury shallbe, and heereby is, accompted by this Courte the shier toune for the county of Norfolke, till this Courte shall take further order thereabouts.

[*238^c.]

Salisbury y^e shier toune for Norfolke.

Itt is ordered, that the Treasurer doe forthwth pay and satisfy M^r John Allen one hundred and thirty pounds, in the best and soonest pay that comes into the treasury out of this levye, for his hundred pounds he paid M^r Winslow.

Repaym^t of 100^{li} to M^r Allen.

Itt is ordered, that Cap^t Robert Bridges joyne wth M^r Simonds, to receive M^r Dummers account of M^r Nelsons estate left in his hand by letter of attorney, being M^r Saltonstall cannot attend it in regard of his voyadge to England.

M^r Simonds & Cap^t Bridges comission to receive M^r Dum^{ms} account of M^r Nelsons estate.

1649.

18 October.
Edward Bendall, customer.

Itt is ordered, that Edward Bendall, the officer appointed to gather and receave the custome of all goods imported into our jurisdiction from Plimouth, Conecticott, and Newhaven, or exported from any pte hence thither, for his dew and better encouragement to see to the execution of that order, shall have one fowerth pte of such customes for one yeere, for a recompence for his paynes therein ; and heereby he is and shallbe impowred to call any ajd or assistance for the pformance thereof, as the officer to receave the custome of wyne is.

Custom's oath,
taken before y^e
Dep^y alone, 22
8^{mo}, 49.

Whereas yow, Edward Bendall, are chosen customer for the yeere ensuing, yow doe here sweare by the everlivinge God, that yow will, from time to time, faithfully execute your office, to your best abillity, according to the order for customers of all such goods as are imported or exported, belonging to Plimouth, Conecticott, or Newhaven, and to give in a trew accompt to the audjto^r gennerall w^{thin} three months, from time to time. So help yow God.

[*239.]

Y^e prize of each
grajne payable
to y^e country
levye.

*Itt is ordered, that the prizes for all sorts of grajne for this yeare, out of any of w^{ch} the inhabitants of this jurisdiction may satisfy the country levye, shallbe, wheate, five shillings ; baly, five shillings and sixe pence ; pease and rye, fower shillings p bushell ; Indjan corne at three shillings p bushell.

Pœnalty for
not timely
pving wills, &c.

Whereas itt is found by often experjence that some men dying and making wills, the sajd wills are concealed, and not proved and recorded, and others dying intestate, no administracōn is sought for nor graunted, and yett in either case the wives, children, kindred, or freinds of the deceased, or some other, doe enter vppon the lands and possesse themselves of the goods of the sajd deceased, and the same are many times sold or wasted before any creditor, to whom the sajd deceased owed mony, cann tell of whom to demand and how to recouer his just debts ; for redresse, therefore, of such vnjust and fraudulent dealings, itt is hereby ordered and enacted, that if any nominated executors, knowing thereof, shall not at the next Courte of that county, which shallbe above thirty dayes after the decease of the ptyes, after the publication of this order, make probate of any will heretofore made by any deceased ptye, or shall not cawse the same to be recorded by the recorder of the county where the deceased ptye last dwelt, or shall not w^{thin} the same time take administracōn (if none hath binn already graunted) of such goods as he hath, or shall meddle wthall of any ptye formerly deceased, or if any pson or psons shall hereafter aljen or imbezell any lands or goods before they have proved and recorded the will of the deceased, or taken administracōn, and brought in a true inventory of all the knoune lands, goods, and debts of any pson, euery such pson shall respectively be liable to be sued, and shall be bound to pay all

such debts as the deceased p̄tye owed, whither the estate of the deceased p̄tye were sufficient to discharge the same or not, and shall also forfeite to the common weale so many somes of five pounds *as shall happen to be moneths betweene the next Courte, as aforesaid, of that jurisdiction, after time of the death of the deceased p̄tje and the proving of such will, or the taking of such administration. And if any p̄tje shall renounce his executorshipp, or that none of the kindred or freinds of the deceased p̄son, who shall dye intestate, shall seeke for administration of such p̄sons estate, then this Courte orders and enacts, that the clarke of the writts of such tounne where any such p̄son shall dye, shall, wthin one moneth after his decease, give notice to the next courte of that county to which such tounne doth belong, of such renouncing of executorshipp, or not seeking for administration, that so the Courte may take such order therein as they shall thinke meete, who shall also allowe such clarke dew recompence for his paynes; and if any such clarke shall faile heerein, he shall forfeite twenty shillings for every moneth of his so fayling, till he shall have fulfilled the same.

Itt is ordered by this Courte and the authority thereof, that the Courte dayes for the county of Middlesex shall, from time to time, be the first third day of the second moneth and the first third day of the eight moneth.

The Courte, finding by experience the great benefitt that doth redound to the country by putting of the lawes into printe, doe judge it very requisite that those lawes also that have past the consent of the Gennerrall Courte since the booke of lawes were printed should be forthwth committed to the presse, and therefore have appointed Richard Bellingham, Esq^r, M^r Increase Nowell, M^r Nathaniell Duncan, Cap^t Rob^t Keajne, and M^r Joseph Hill, or any three of them, a committee to pvse and prepare them, wth those lawes also referred to in the end of the printed lawes, wth a suitable table, making their retourne to the next Courte of Elec^con, that they may be printed.

*Itt is ordered by this Courte, that every victualler, ordjinary keeper, or taverner shall alwayes, after the first of March next, be provided of good and wholesome beere for the entertajnement of strajngers, who, for want thereof, are necessitated to much needlesse expences in wine; and what ever ordjinary keeper, victualler, or tavernor shall not, from time to time, be p̄vided of such good and wholesome beere for the entertajnement of strajngers, and for the prevention of other needlesse expences, they shall forfeite for the first offence ffifty shillings, and for the second they shall forfeite their licenses.

Honored and beloved Bretheren : —

Wee have heard heeretofore of diuerse Annabaptists, arisen vp in your jurisdiction, and connived at; but being but few, wee well hoped that it might

1649.

18 October.

[*240.]

Dayes appointed for the County Court in Middlesex. County Court days.

A committee to prepare the lawes for the presse.

[*241.]

Enjoyning ordinaries to pvide wholesome beere vnder penalty.

Copy of a letter writt fro the Genn^l Court to Plimouth for preventing y^r growth of errors.

1649.

18 October.

have pleased God, by the endeavors of yourselves and the faithfull elders wth yow, to have reduced such erring men againe into the right way. But now, to our great greife, wee are credibly informed that your patient bearing wth such men hath pduced another effect, namely, the multiplying and encreasing of the same errors, and wee feare maybe of other errors also, if timely care be not taken to suppress the same. Perticularly wee vnderstand that wthin this few weekes there have binn at Sea Cuncke thirteene or fowerteene psons rebaptized, (a swifte progresse in one toun;) yett wee heare not of any effectuall restricōn is intended thereabouts. Lett it not, wee pray yow, seeme psumption in vs to minde yow heereof, nor that wee earnestly intreate yow to take care aswell of the suppressing of errors, as of the majntenance of truth, God æqually requiring the pformance of both at the hands of Christian magistrats, but rather that yow will consider our interest is concerned therein. The infecōn of such diseases, being so neere vs, are likely to spread into our iurisdicōn: tunc tua res agitur paries cum proximus ardet. Wee are vnited by confederacy, by faith, by neighbourhood, by fellowship in our sufferings as exiles, and by other Christian bonds, and wee hope neither Sathan nor any of his instruments shall, by theis or any other errors, disvnite vs, and that wee shall neuer have cawse to repent vs of our so neere conjunction wth yow, but that wee shall both so æqually and zealously vphold all the truths of God revealed, that wee may render a comfortable accompt to Him that *to Him that* hath sett vs in our places, and betrusted vs wth the keeping of both tables, of w^{ch} well hoping, wee cease your farther trouble, and rest,

Your very loving Freinds & Bretheren.

[*242.]

Left. Johnsons
comission to
marry, &c.

Deputy mar-
shall's doings
made valid.

*Att the request of the toun of Woobourne, Le^f Edward Johnsons comission to marry such there as are legally published, is enlarded ffor one yeere.

Whereas, diuers yeeres since, W^m Wilson, who was but the marshalls deputy, did comōnly make a deputy to serve attachments, executions, &c, there being no lawe then against it, but either connived at or not taken notice of by the Courte, which may occaōn much trouble and dispu'ts in the seuerall Courts concerning the legallity of such proceeding in case of complainte thereof by any pson, itt is therefore heereby ordered, that all summons, attachments, executions, levying of fynes, &c, pformed by such pson so deputed before the lawe that phibits the marshalls deputy to make a deputy, shallbe valid and good, as if the marshall or his deputy had donne the same, where the proceedings in other respects hath binn legall and just.

Jurors equally
chosen.

Whereas, vpon informaōn given to this Courte by those townes remote from Boston, and other townes where Courts are kept, that no respect hath

binn had to the noubmer of psons inhabiting in each toune in the issewing out of warrants for juryemen to serve at Courts, whereby some townes are eased and others are burdened, for the prevention whereof, itt is ordered, that from henceforth, the clarke or secretary of each Courte wthin this jurisdiction shall, in all their warrants for juryemen, have respect vnto the noubmer of the inhabitants of each toune, and accordingly shall issew out their warrants, that all occa^sions of complaints in this kind maybe remooved. And itt is farther ordered, that whereas there hath binn fflower Quarter Courts held at Boston in euery yeere, that from henceforth there shallbe but two only, viz., that in the first moneth and that in the seuenth month, and the order that enjoynes fower Quarter Courts in a yeere is in that respect repealed; provided, it be and is in the power of the Go^uno^r, or, in default of the Go^unr, the Deputy Gouverno^r, to call a Courte for the triall of any pson in capitall cases, that so justice be not deferred nor the country chardged.

1649.

18 October.
Direc^tions to
the secr^y to
ease all townes
ppor^tionably in
choyce of jury-
men.
Boston, two
Quarter Courts
held in.

*The Courte, well weighing that, by Gods blessing, this country and the occa^sions thereof much to multiply and encrease, and that the multiplicac^on of choyce of officers on the elec^on day may quickly growe to such a noubmer as may proove to burdensome to be attended to, doe therefore order, that it be comended to the seuerall townes considera^on, whether the secretary were not better to be left to the Gennerall Courts choyce, whose honnor is principally concerned therein, then to be chosen, as formerly, by the people; howeuer, that they would referr it to the next Courte of Elec^on, to the Gennerall Courte for the next yeere, and so on tryall for that yeere, which if they approove not of, they may reassume the elec^on thereof to themselves if they please.

[*243.]
Secretary
chosen by the
Court.
Choyce of
secretary.

Itt is ordered, that when euer any such case comes to be tryed at the Gennerall Courte, that the verdict of the jury hath binn refused, that such case shallbe determined by the major vote of the Gennerall Courte mett, and hearing the case together.

In ans^r to the petition of Sampson Lane, for a day of hearing the case depending betwene him and Richard Cutts, the Magis^{ts} not accepting the juryes verdict, a hearing was graunted him, to be on the 19th of this instant October, at one of the clocke in the afternoone.

Sampson Lane
& Rich^d Cutts
case.

19 October, 1649.

Att the time appointed, M^r Lane and M^r Cutts appeared, and after their seuerall pleadings were fully heard, and their evidences by the Courte weighed, itt was determined by the Courte to proceede to issew the case on these qua^stions, which were agreed vpon to be voted accordingly.

19 October.

Quaest. 1. Whether the Virginia voyage shallbe chardged by M^r Cutts

1649. vpon M^r Lanes accompt, notwithstanding M^r Cutts transacted it in his oune name.

19 October.

Ans^r. Resolved vpon the question, that it should not.

[*244.] 2 Quæst. *Whether the fishing voyage shallbe chardged vpon M^r Lanes accompt.

2 Ans^r. Resolved vpon that question, that it should.

3 Quæst. Whether one halfe of the chardges for building at Strawberry Bancke, and for the howsehold stuffe bought by M^r Cutts, and deliuered to M^r Lane, should be chardged on his accompt.

3 Ans^r. Resolved vpon that question, that it should.

M^r Samuëll Mavericke, M^r Nicolas Davison, and M^r Thomas Lake are by the Courte, and wth consent of the p^rtyes, chosen and appointed commission^{rs} to regulate, auditt, and finally to determine all the accompts from the beginning of the world to this day betwixt M^r Sampson Lane and M^r Richard Cutts, which said commissioners, or the major parte of them, shall have power to give oath, examine witnesses, graunt judgment, observing therein the severall votes of this Courte passed this day in the case; and the said comissioners are hereby enjoyned to issew the same before the last day of the eleventh month next coming, and forthwth to deliuer a transcript of their judgement to the secretary, vnder their hands, or the hands of some two of them, that so it maybe recorded, and execution therevpon graunted.

Yow doe heere sweare by the euerliving God, that in the accompts betweene M^r Lane and M^r Cutts, which the Courte hath comitted to your trust, that yow will, according to your best light and skill, pvse, regulate, audit, and finally determine, w^{thout} respect of p^{rs}ons or favor of any man. So help yow God.

Ans^r to Reddings petition.

In answer to a petition from the toune of Redding, ffor a comission from this Courte to lay out their lyne, itt was referred to the consideraçon of the next Gennerall Courte, and in the meane time Linn to have notice thereof, that if they see cawse they may attend the Court thereabouts.

[*245.]

Ans^r to Left W^m Gerrish his petition.

W^m Gerrish to educate M. Oliver.

*In answer to the petition of Left W^m Gerrish, of Newbery, requesting that he may have the estate of Mary Oliuer as it is vallewèd and apprized by those appointed by this Courte, the Courte doth graunt that the said W^m Gerrish shall have the said Mary Oliuers estate as it is apprized, giving in good security wth his oune to pay the said Mary Oliuer one hundred thirty and five pounds tenn shillings in corne or ca^{le}, at currant prize, at the age of fowerteene yeeres, and, in the meane time, educate, maintaine, & bring vp the said Mary, according to the vse of such an estate & quality of the child, at his oune propper costs & chardges.

Forasmuch as the orderly choyce of Assistants yeerely is of great concernment, and wthall care and circumspection to be attended, itt is therefore ordered by this Courte and the authority thereof, that the counstables of each toune wthin this jurisdiction shall call together their freemen some day in the last weeke of the nyynth moneth, yeerely, to give in their votes in distinct papers for such psons, being freemen and resident wthin this jurisdiction, aswell the magis^ts in p^rsent being as others, as they desire to have chosen Asistants at the next Courte of Elec^tion, not exceeding the noubmer of twenty; and that no freeman shall putt in above one vote for one pson, vnder the penalty of tenn pounds for euery offence; and the said freemen so mett, or the major p^rte of them, shall then and there appointe one to carry their votes, sealed vp, to their shier townes, vpon the last fowerth day of the weeke in the first month following, at twelue a clocke, from time to time, which psons for each toune so assembled *shall appointe one comissioner for each shiere to carry them to Boston the second third day of the second month, there to be opened in the p^rnce of one or two magis^ts, (if they be in toune;) if otherwise, by those p^rtyes that brought them; and those twenty that have most votes shallbe the men (and they only) w^{ch} shall be nominated at the Courte of Elec^tion for Assistants as aforesaid; and the comissioners of each shier shall forthwth signify to the counstables of their seuerall townes wthin their shier, in writing, vnder their hands, the names of those twenty; all w^{ch} the counstable shall forthwth signify to their freemen; and as any have more votes then other, so shall they be nominated for elec^tion, except such of thaire twenty who have binn magis^ts the yeere before, who shall have p^rcedency of all others in nomina^tion on the day of elec^tion; and if any pson betrusted in this order shall faile in the discharging their trust, they shall forfeite tenn pounds; and the printed law for elec^tion, page twenty one, bearing date 1647, is hereby repealed.

In ans^r to the peti^tion of John Dajne ffor the setling the howse and lands of W^m Chandler (whose wyddow he married, & children brought vp) on him, the said John Dajne, his request was graunted, & y^e said howse and lands confirmed on him by this Courte.

In answer to the peti^tion of M^r Rob^t Saltonstall, the Court doth graunt him liberty to sue and recouer what he cann legally proove to be his.

*In ans^r to the petition of Margarett Stoniard, of Roxbury, ffor power & liberty to sell the howse and lands of John Stoniard, hir late husband, hir request was graunted by both, & admitted in forma pauperis.

Whereas a booke hath binn p^rsented to the Courte, intituled a Platforme of Church Discipline, gathered out of the Word of God, &c, being the result

1649.

19 October.
Order for y^e orderly & yerely choyce of Assistants.

[*246.]

Ans^r to Robt Saltonstalls petition.

[*247.]

Ans^r to Marg^t Stoniards petition.

1649.

19 October.
A book,
Church Disci-
pline, for the
Courts exami-
nation.

of what the synod did in their assembly in the yere 1647 at Cambridge, for their consideraçon and acceptance, the Court judgeth it meete to comend it to the judicious and pious consideraçon of the seuerall churches w^{ch} in this iurisdicçon, desiring a retourne from them at the next Genne^l Courte hou farr it is suitable to their judgments and appbaçon, before the Courte pceeds any farther therein.

M^r Rawson, having resigned vp his five hundred ac^{res} of land, formerly graunted him in pte of recompence of his damage sustayned about salt peeter, the Court judgeth it meete to allowe him thirty pounds, in full satisfacçon; whereof the five pounds formerly graunted is to be accompted a pte.

Courts letter to
M^r Winslow.

S^r: —

Yow may please to take notice that yours, sent by M^r Allen, was comūnicated vnto vs, wherein wee doe observe yo^r dilligence and care in your employ-ment; notwthstanding the successe hath not yett crowned your labors (though in a hopefull way) of issew, (as you doe write,) wee doe, wth all thankfulnes, acknowledge, not only your readines at first to serve vs, but also your indefatigable continuance therein since your being there; but now, taking into serious consideraçon, not only your long absence from your family, w^{ch} wee feare may-be to great a burden, as also the weighty affaires of that state in this juncture of time w^{ch} renders them in some measure vncapable of attending your desires for the bennefitt of this plantaçon, together wth the sence of our oune p^sent chardge and inabiliti *to accomodate yow wth suitable and comfortable allowance in your service, and therefore have thought meete hereby to intimate to yow our desires of youre retourne home, by some convenient shipping, this next sommer; yett shall wee hope, by Gods assistance, faithfully dischardge and satisfy M^r Allen or any other from whom yow have receaved any monyes in our behalf. So, desiring the Lords gracious p^sence to accompany yow in all yo^r occaço^{ns}, and retourne yow in safety to vs and your family, wee for p^sent take leave, and remajne,

[*248.]

Contradicens:
Edward Raw-
son, Robt
Keajne, Ed-
ward Johnson,
Edw. Jackson.

S^r,

By both.

In answer to the petition of Left W^m Howard ffor his chardges in attending this p^sent Courte, in the case betweene him and Edward Colcord, who appeared not, —

For going to Salisbury for y^e records, 3 dayes, . . . 00 06 00

For the records copying out. 00 06 06

For his attendance, flower dayes, 00 08 00
 For pearing W^m English his oath, & time of drawing it, 00 02 06

1649.

19 October.

All w^{ch}, being twenty three shillings, was allowed him. By both.

The Howse of Deputyes, having heard Major Rob^t Sedjuks excuse for his absenting himself from the last session of this Courte, voted, that they accepted thereof, & therfor remitted him his fine of five pounds, w^{ch} last session was imposed on him. Voted.

A list of the seuerall heads vnder w^{ch} are placed the seüall papers of greater or lesser publicke or private vse of such writings as were left in honored M^r Winthrops study.

The comittees
retourne of
w^t they did in
pysing hono-
red M^r Win-
throp's writ-
ings.

No. 1. Auncyent writings of the first adventurers, wth some other mat-
ters.

Papers of the
late Governor
Winthrop.

No. 3. Seuerall writings conceñ the commission^{rs} of the Vnited Col-
lonjes.

No. 2. Seuerall writings from & conceñ Bermuda & y^e Sommer
Ilands.

No. 4. Writings from & conceñ Conecticut and Newhaven.

No. 5. Writings about Douer and Piscataquake.

No. 6. Writings from and concerning the Dutch.

No. 7. Writings concerning Gorton and Road Iland.

No. 8. Writings conceñ the iron workes.

No. 9. Writings conceñ and from Ligonias.

No. 10. Writings from and conceñ M^r Pinchon.

No. 11. Writings from and conceñ Plimouth.

No. 12. Writings from and conceñ the Swedes.

*No. 13. Writings from M^r Winslow.

[*249.]

No. 14. Writings from and conceñ the French.

No. 15. Diuers petitions and other writings.

No. 16. Diuers wast papers of smale consequence.

All which, as marked, are deliuered, in a pillowby, sealed vp, to the sec^r-
tary, wth a copy of the printed lawes, testimonyes, and orders of Courte, and
seuerall letters of M^r Weld, & other accompts deliuered to the audito^r geñill.

This retourne of the comittee was accepted of, wth acknowledgm^t of
thankes for their pajnes. By both.

For the prevention suspitions and jealousies, and that æquall justice may

1649.

19 October.
Order about y^e
negative vote
where judges
and juries dis-
agree.

be donne to all men, and a finall issew put to all cases that shall come before this Courte, itt is ordered, that all such cases as shall be brought before this Courte by petition, for review of any case tryed in any other Courte, or by order of this Courte, as in the case of the judges and juries disagreement, shallbe determined by the major vote of the Courte mett together, and all cases that shallbe brought before this Courte, by way of complainte of vnjust or vnaequall proceedings in any other Courte, shall be determined by the major pte of the Deputies only. Voted.

Deputies to
meet at Salem.

Itt is ordered, that on the last Wendsday in April next, by fower of the clocke in the afternoone, there shallbe a meeting of the seuerall deputyes, or other messengers of the seuerall townes in this jurisdiction, at Salem, then and there to consult about and prepare elecōns, and what els they thinke meete, that tends to the welfare of the countrey at the next Gennerall Courte. Voted.

Twice donne.

Itt is ordered, that Cap^t Rob^t Bridges joyne wth M^r Simonds to receave M^r Dummers accompt of M^r Nelsons estate, left in his hands by letter of attorney, by reason M^r Saltonstall cannot attend it in regard of his voyadge to England. By both.

In answer to a petition of Valentine Hill, for 300 acres at Lamprell Riuer.

[*250.]

*In answer to a petiōn of the town of Newbery ffor the confirmaōn of Plum Iland wholly to them, the Courte conceaves it not meet to graunt it to them alone, but doe hereby give and graunt Plum Iland and the inheritance thereof to Ipsuich, Newbery, and Rowley, viz., Ipswich to have 2 p^{ts} thereof, Newbery 2 p^{ts} thereof, and Rouley one pte thereof. By both.

Cap^t W^m Hauthorn, Cap^t Keajue, Cap^t Gooking, Cap^t Ting, and Cap^t Pritchard are appointed a cōmittee to advize wth the Magist^{re} of such a way to accomodate them as may be to the country and their satisfacōn if it may be, making their retourne to the howse. Voted.

Ralph Wood-
wards cōmis-
sion.

In answer to the petition of the town of Hingham, Ralph Woodward hath cōmission graunted him to marry such as are legally published there, till next Gennerall Courte. By both.

Auditors rec-
ompence about
ret. custome of
wynes.

In ans^r to the petition of Left^t Duncan, audito^r genūll, ffor allowance of thirty pounds p annū for his paynes in taking vp the custome of wynes since it hath binn left to him, the Court thinks meete to graunt him thirty pounds in all as a recompence for his paynes thereabouts. By both.

Chardges of y^e
prisons repara-
cion.

Itt is ordered, that the Treasurer pay, or cawse to be paid, the some of thirty two pounds ffouerteene shillings and two pence to John Johnson, surveyo^r genūll, or James Penn, who are engaged for the payment of so much to the workemen that wrought at the prison, and this to be paid out of the first

corne that is collected of the levy now dew, and because they are engaged to pay thirteene pounds tenn shillings in mony. The Treasurer is desired either to disburse the mony, or deliuer vnto them so much of the best sorte of corne as may p̄cure so much mony, that so they maybe enabled to satisfy their engagements for the country.

1649.

19 October.

*In ans^r to a petition of the inhabitants of Dedham ffor a parcell of vp-land and meadow adjoyning to their line to make a villadge of, in quantity 4 miles south and north, and three miles east and west, becawse they are streightned at their doores by other townes & rocky lands, &c. Their request is graunted, so as they erect a distinct village therevpon wthin one yeere from this day, Octo^b 23, 1649; & Cap^t Keajne, M^r Edward Jackson, & the surveyo^r gennerall are appointed to lay it out at any time, Dedham giving them a weekes warning. By both.

[*251.]

Dedham vil-
ladge.

Itt is ordered, and heereby declared, that what agreement or contract soeuer the surveyo^r genne^{ll}, John Johnson, and James Penn shall make wth any marchant for the p̄curing of powder to the valew of two hundred pounds, the Gennēll Court shall & will make it good in all p̄ticulers.

S^rreyor Gen^{ll}
& James Penn
comission ab^t
pouder.

The inhabitants of a toune within this iurisdicōn, at their first setting doune, did gennerally agree to sett a^pte a certaine p̄cell of land to y^e valew of about 20 ac^s, lying betwixt y^e salt marish and the lowe water marke, for the vse of the whole toune, to be improoved ffor thatching howses, the want whereof is very p̄judicyall to the toune, since w^{ch} time this honored Gennerall Courte, by an order of theires, have made all lands to low water marke to belong to the p̄prio^{rs} of the land adjoyning therevnto. The aforesaid inhabitants, not being able to resolve themselves, humbly desire the resolution of this honored Gennerall Courte, whether the order of Courte make voyd the p̄ceding toune order.

A townes quæ-
tion.

In ans^r to the townes quæry, the resoluōn of the Courte is, that the Courte order doth not disaⁿull the order of the towne preceding it. By both.

In ans^r to y^e petition of Samuell Plummer, fferryman, of Newbery, ffor encouragment to attend the fferry there, to take two pence p passenger for their transportaōn, the Courte graunts him power so to doe. By both.

Ferryman of
Newbery rec-
ompence for
transportaōn.

In ans^r to y^e petiōn of Raph Roote, and Sarah, his daughter, ffor liberty & power from this Courte to confirme a bargaine & sale of a howse & land in Reading, given to the said Sarah, being vnder age, to Thomas Taylor, of Water Toune, to whom they have sold the same, the Courte graunts their request. By both.

Ralph Root.

*In ans^r to the petition of Cap^t Rob^t Keajne, M^r Richard Brounc, and M^r Richard Parker, for the laying out of their se^{ll}l porōns of land next to the villadge graunted to Dedham,—

[*252.]

1649.

19 October.

Mary Oliver,
Courts reply.

Viz., to Robt Keajne, one thousand seventy & fower ac's; to Richard Broune two hundred ackers, and to Richard Parker fflower hundred thirty and six ackers, their request was graunted. By both.

In ans^r to the petition of Mary Oliuer, of Salem, ffor liberty to abide in this jurisdicōn, notwthstanding the lawe y^t enjoynes the sending of husband & wife, where they be separated each from other, one to another, the Court leaves hir to the pœnalty of the lawe, vnlesse shee putt in sufficyent security to remooove out of this goũment wthin one month after this date. 24: 8 M̃, 1649. By both.

In ans^r to a petition of Jeremiah Clarke, ffor a hearing of the case betweene him & Cap^t John Patridge, of Road Iland, his request was graunted, & the case to be heard next after Sampson Lanes, w^{ch} on that day was fully heard, and in fine the Courte gave judgment for the plaintiffe, Jeremiah Clarke, and allowed his bill of chardges, w^{ch} was fflower pounds and sixe shillings.

22 May.

[*253.]

** Att a Courte of Elecōn, held att Boston, the 22th 3 M^e, 1650.*

Thomas Dudley, Esq^r, Gouverno^r.

John Endecott, Esq^r, Dep^t Gouverno^r.

Asistants: Rich Bellinghm, Esq^r,

Increase Nowell,

Simon Bradstreete,

Samuell Simonds,

W^m Hibbys,

Thomas Flynt,

W^m Pinchon, Gen^t,

Cap^t Robt Bridges,

Frauncis Willowby,

Cap^t Thomas Wiggin,

Edward Gibbons, Esq^r, Major Gen^l.

Simon Bradstreete, }
W^m Hawthorne, Gen^t, } Coĩmission^{rs} ffor the Vnited Collonyes.

In reserve: Rich Bellinghm, }
John Endecott, } Esq^{rs}.

Edward Rawson, Secretary.

Rich Russell, Gen^t, Treasurer.

Dēputjes retourned from y^e townes to serve at this Courte: —

Salem: Cap^t W^m Hawthorne, M^r Henry Bartholmew.

Charles Towne: M^r Richard Russell, Left Frauncis Norton.

Dorchester: M^r John Glouer, Cap^t Humph Atherton.
 Boston: M^r Anthony Stodder, M^r Thomas Marshall.
 Roxbury: M^r John Johnson, M^r W^m Parkes.
 Watertowne: M^r Rich Broune, M^r Ephraime Child.
 Lynn: M^r Th^o Lighton.
 Camb: M^r Jackson, Edw: Goffe.
 Ipswich: M^r John Whiple, M^r W^m Bartholmew.
 Newbery: M^r W^m Gerish.
 Weimouth: M^r Thomas Dyer.
 Hinghm: M^r Bozoone Allen, M^r Joshua Hubbard.
 Concord: Cap^t Simon Willard.
 Dedham: Cap^t Eleazer Lusher.
 Salisbury: M^r Christopher Batt.
 Hampton: Jeoffery Mingay.
 Rewley: Cap^t Sebastian Brigham, Mathew Boyes.
 Sudbury: M^r Peeter Noyes, Ensig Edm^od Goodenow.
 Douer: Left John Baker.
 Braintree: Cap^t W^m Ting, Steven Kingsly.
 Gloucester: Hugh Calkin.
 Woobourne: Cap^t Edw: Johnson.
 Wenham: William Fiske.
 Haverill: M^r Robt Cleoments.
 Redding: Left ^ Walker.
 Springfield: M^r Edw: Hollioche.
 Malden: M^r Joseph Hills.

1650.

22 May.

[In the handwriting of Mr. Rawson to this place, then in that of Mr. Torrey.]

23 of May, 1650.

Cap^t W^m Hawthorn was chosen Speaker for this session.

Left W^m Torrey was chosen Clarke for this next yeere.

*William Parkes & Mathew Boyce were chosen stewards for the Howse of Dep^{ts} for this session of Court. [*254.]
 Stewards.

Cap^t Willard is chosen Comptroulor for this session. Comptroulor.

IN consideration of the inconveniency arisinge by the absnce of dep^{ts}, in not attendinge that servise which they are called vnto, in respect of their places, it is ordered for this Court, that every deputy that shall not answer at the second call shall pay 3^d to the howse, & for every howers absence afterward 6^d. This order to stand in force for this yeere 1650. Penalty for absence voted to be a standing order in the year 1669.

This Court, findinge great inconveniencys arisinge by y^t clause in the order which p^rscribes the secritary & clarks duty & employm^t, that appoynts Order about sending of bills passed by the Court.

1650.

23 May.

what is last past amonge the Deputies should remayne with the Speaker till the whole Court shall meeete together, or a comittee of Magis^{ts} & Deputies, to consider of what lawes & orders haue past, & at the end of the Court deliuer the same to the secretary, so that the Magistrats cannot tell what is past & conclud, nor can the secretary giue any true coppies to such as longe wayte to their piudice for the same, its therefore ordred by this Court, that notwithstandinge that clause in the fore^sd order, from henceforth the clarke forthwith from time to time shall send vp such bills as are passed both howses, and last with them vnto the secretary, & that the secretary likewise send downe vnto the clarke such bills or orders as are last past amongst the Magistrats, that he may take notice thereof in his booke. P Curiam.

Order about
saylors.
Saylors not to
be arrested for
debt.

Whereas many & great miscariages are comitted by saylors, in resept of their imoderate drinkinge of wine, beere, & stronge liquors, to the great dishonour of God & reproach of religion & gouernment heare established, which also oftimes occasions much piudice & dammage to the masters & owners of such shippes & vessells to which they doe belonge, their men beinge many times arested for debt so made when their shippes or other vessells are ready to set sayle for their voyge, for pvention whereof, it is ordered by this Courte and authoritie thereof, that no inkeep, victualer, or other seller of wine, beere, or stronge liquors shall, after publication heareof, arest, atatch, or recouer by law any debt or debts so made by any saylor or saylors aforementioned, except the master or owner of such shippe or vessell, to whom such saylor or saylors doe belonge, haue giuen vnder his hand to discharge the same, any law, custome, or vsage to the contrary in any wise notwithstandinge. P Curiam.

[*255.]

Jurors recom-
pence.
Jurors paid.

*Whereas we finde by experience that, notwithstandinge any pvision formerly made to pvent charge & trouble with respect vnto Courts called vppon slender grounds at the requests of private psons, in which sundry men are drawne from their employments to attend the same, without any considerable satisfaction, this Courte, beinge willinge to remoue occasions of complaynt in this kinde, doe order, that from henceforth in all pticuler & speciall Courts called vppon the requests of private men, every juror shalbe allowed for their attendance on that service fowre shillings a daye, to be payde by them vppon whose motiō it is graunted; pvided, the sd jury men shall beare their owne charges in dyet. P Curiam.

Gallowes re-
moued to Bos-
ton.

It is ordred by this Courte, that the gallowes shalbe taken downe & remoued from the place where it now stands, & forthwith in a convenient place of common, within the peincts of Boston, shalbe set vp agayne, at the common charge; which is refered to the select men of the towne of Boston to appoynt the place. P Curiam.

Whereas it was ordred in a former Court, that some course should be taken for the renewinge of o^r stocke of powder, w^{ch} yet notwithstandinge hath not p^{ro}ved effectuall for the ataym^t of o^r desires therein, so that the countryes store is not so augmented as was then intended, that a more ample supply thereof may be made, it is ordred by this Court & authoritie thereof, that the country rates of Roxbury, Dorchester, & Dedham, for this yeare ensuing, shalbe assigned vnto the surueio^r generall, to purchase powder withall the first oppertunity that is p^{re}sented.

1650.

23 May.
Provisions for
powder.

And for a more easie & speedy effectinge the order of the Generall Court the last yeare, for the purchasing of two hundred pounds worth of powder, & seeinge to the discharge thereof, at the request of the surueio^r generall, Cap^t Humphry Atherton is joyned in commission with him in that respect.
P Curiā.

Whereas in suites & actions brought into Courts betweene party & party, somtimes the playntife, somtimes the defendant, & somtimes neither of them doe attend, to answer when they are called to p^{ro}secute or answer, which hath ben to longe coniu^{er}ed at by the magistrats, & much time lost in sending to seeke them out, or wayte their comminge in, whereby the countryes charge is increased, & the magis^{ts}, jurors, wittnesses, & others abused, contrary to the laudable, reasonable practise & custome of all Courts in o^r natieue country & other countryes knowne vnto vs, it is therefore hereby ordred & enacted, that if any playntife, after he or shee haue entred any action to be tryed in any Court, or which comes orderly into any Court by repleuen, appeale, or by the disagreement betweene the magis^{ts} & jury *in an inferior Courte, & doe not by him or her selfe, or by their attorney, make their appearance & p^{ro}secute their action imēdiatly after they haue bin three times called in the Courte by name, after the first forenoone of the Court, that then they shalbe nonsuited; & if playntife or defendant appeare vpon that call, they shall haue their costs granted by the Courte agaynst him that did not appeare; & if afterwards both parties doe agree to try their case the same Courte, they shalbe allowed so to doe, the playntife paying halfe so much for a new entry as he did before. And if any p^{er}son p^{re}sented by the graund jury for any offence, or sumoned by a magistrate to answer any crime, doe not vpon sumons appeare at the time appoynted vpon the third call, as afforesd, he or shee shalbe p^{ro}ceeded agaynst for contempt, except he or shee be restrayned or p^{re}vented by the hand of God. This order to take place the first Courte in September next. P Curiā.

Penalty for
non appearance.

[*256.]

Plaintiff & defendant liable to a penalty for non attendance.

This Courte doth, with all thankfullnes, acknowledge the good servise of Johⁿ Endecott, Esq^r, o^r honourd Gou^{er}no^r, that last was in respect of his great

Gouernors
gratuity 1st
marks.

1650.

23 May.

care & faythfullnes in the discharge of that trust which was comitted vnto him, and doe, in the behalfe of the country, render him harty thanks for the same, & desire his kind acceptance of one hundred markes as a slender manifestation of o^r due respects vnto him, vntill we shalbe better enabled to declare it, which we order shalbe payd vnto him out of the next country rate.

P Curia.

Damages not
viewed.
Order on dam-
age by cattle.

Whereas the law concerninge feincinge agaynst great cattle, fol. 7: harmes done by cattle in fenced ground shalbe viewed & judged for explanation, whereof this Courte declareth & ordreth that, notwithstandinge the said pvision in the said law, in case any be done in fenced grounds, by what occasion soever, the partie trespassed shall not be barred afterwards of his action, albeit the harmes be not viewed & judged accordinge to the direction of the said recited law; and its further ordered by this Courte that, in case of involuntary trespasses, where such trespassir shall pay or legally tender full recompence for all the damage done by him before any suite commenced, the playntife shall recouer no costs in his suite. P Curia.

Change of
Court dayes in
Boston.

Whereas the County Courts at Boston, by order of the Generall Court, haue begun to be kept vppon the last Thursdays in July, October, January, & Aprill, it is now, for some reasons, by this Court ordred & appoynted, that from henceforth they shall alwayes begin vppon the last Twesday of every of the said moneths, as all other Courts doe except the Courte of Electiō, which, by pament, is appoynted to be kept vppon the Wednesday, & except all other Courts, which, vppon extraordinary occasions, shalbe appoynted vppon other dayes, pvided that, for this yeare, the County Court for Suffolke shall begin on the last Wednesday in July, and, for aftertimes, as afforesajd. P Curia.

[*257.]

Clarke of y^e
writts.

*M^r James Cary is appoynted by this Courte to be clearke of the writts for Charlestowne, in the roome of M^r Edward Mellowes, lately deceased.

P Curia.

Haverill
bounds.

Vppon the request of the inhabitants of Haverill, this Court doth appoynt Ensigne Howlet, Capit Brigham, Mathew Boyce, & Robt Hazeltine, or any three of them, to be comission^{rs} to lay out the bounds betweene Haverill & Salsbury, and all the bounds of Haverill, & to make returne thereof vnto the next sittinge of the Generall Court. P Curia.

Haverill
comissionors.

At the request of the freemen of Haverill, Henry Palmer, Thomas Davis, & Joh Clements are appoynted to end small causes there, accordinge to law, for one yeare. P Curia.

Lib^{ty} to y^e ar-
tilerie to meet
other than on
2d day of weeke.

Whereas by experience it is found that the day of the meetinge of the Artilerie Company in Boston, beinge vppon the second day of the weeke, is

inconvenient in diuers respects, its therefore ordred by this Courte that it shalbe in the libertie of the sajd company to alter the day of their meetinge to any other day of the weeke which they shall make choyse of. P Curiā.

1650.

23 May.

Armes not to be sold.

For explanation of that part of the printed law, intituled Mil: Affaires, S: 10: concerninge the surveyor generall, touchinge the comon armes of the country, its ordred & hereby declared, that his power neither doth nor shall extend to the sellinge or alienatinge any of the ordnance or great artillery, or any the appurtenances thereof, vppon any ptence whatsoever, without speciall order from the Generall Court, any law, comission, custome, or vsage to the contrary in any wise notwithstanding. P Curiā.

Whereas, by an order of Courte heretofore made, all playntiues were restrained from takinge out attatchm^{ts} agaynst any deffendant, (except in some cases in the sajd order expressed, some of which cases also were of a doubtfull interptation,) whereby many playntiues haue ben somtimes delayed, & at other times frustrated, in obtayninge their just debts, the deffendants choosinge rather to pay some small costs for non appearance vppon a summons, & so win time to convey away their goods, or sell their estates, it is therefore hereby ordred & enacted, that, from this time forwards, it shalbe at every playntifs choyse to take out either summons or attatchments agaynst any deffendant, any thinge in the former recited order notwithstandinge. P Curiā.

Playntifes liberty for attatchm^{ts}.

To the end that powder, bullets, & match, charged vppon each towne to pvide, be not neglected, & all grounds of excuse on ptence of ignorance of the law remoued & pvented, it is ordred, that the secretary shall forthwith send a coppie of the former order to each towne in this jurisdiction, putting the sixth moth for the fowrth moth next, & requiringe the cunstable & chiefe millitary officer, where no select men are, to execute the sajd order, for assessinge their inhabitants & pvidinge the sajd powder, bullet, & match, & that, in pportion to the company of souldiers, in number more or lesse than fiftie souldiers, and that they deliuer it vnto the two chiefe *officers of each company, safly to bestow & order for the best advantage of the country. P Curiā.

Puision for ammunition. Secretary to send the law to towns on warlike implements.

[*258.]

Whereas there hath bin an order formerly made, in which seuerall psons haue bin authorized as a comittee to take the Treasurers acc^o, which yet hath neuer bin done, although a thinge much desired by the country, this Courte, beinge vnwillinge to suffer such great acc^os to ly any longer as now they doe, doe order y^t M^r Increase Nowell, Cap^t Rob^t Keayne, M^r Anthony Stoddard, & M^r Joseph Hills, or any three of them, shall haue power, & are hereby authorized, to heare & examine all acc^{ts} which concerne the country, either betweene the audito^r generall & the Treasurer or any others, in which the country is intressed; and doe hereby further giue power to aquite &

Country acc^o audited to settle with the Treasurer

1650.

23 May.

Maldons
marke.Meadfeild
bounds.
Meadfeild laid
out.

discharge the Treasurer, either in full or so far as he shalbe able to giue a satisfactory account, pvided o^r sajd committee shall be accountable to this Generall Courte at their next sittinge. And the Treasurer shall call vpon the audito^r generall & the committee to hasten the accomplishment hereof. P Curiam. Vpon the request of the inhabitants of Maldon, the Court hath appoynted that :M^L: shalbe the brandmarke for their towne. P Curiam.

Whereas there was a graunt made by the Generall Court at a session the 22th of the 8th moth, 1649, vnto the inhabitants of Dedham, in answer to a petition of theirs for the enlargment of the village their, as by the sajd graunt may more fully appeare, this graunt, so made, was layd out by Captayne Robt Keaine & M^r Edward Jackson, who haue subscribed it with their hands in manner & forme followinge, viz^t: begininge at a small hill, or iland, in the meddow on the west side of Charles Riuer, & runinge from thence about full west three miles, and then, turninge a south line, ended at Charles Riuer at three miles & a quarter, this line beinge there shorter then by the graunt it was allowed to be, but accepted by the grauntees, the sajd riuer is appointed to be the bounds from that place to the place where the first lyne began. This Court doth approue of this returne of the psons aboue mentioned concerninge the bounds of the sajd village, &, in answer to the request of the inhabitants of Dedhā, doe order that it shalbe called (Meadfeild.) P Curia.

Farmes on
Charles Riuer.

Whereas the Generall Court, in answer to a petition of Cap^t Robt Keaine, Richard Browne, of Watertowne, & Richard Parker, of Boston, for the layinge out of their seuerall pportions of land in such place as they should find out, did, in the yeare 1649, graunt commission to M^r Edward Jackson to se the same done in the place in that order mentioned, next to Dedham village, as in that order, dated 23^d October, 1649, more amply appeareth; which accordingly, with M^r Danforth, a survejo^r of *Cambridge, they haue done as herevnder written appeareth vnder the sajd commissiono^rs hands. Layd out vnto Cap^t Robt Keajne, vpon Pacussett Hill, beyond the new village of Dedham, & without the line thereof, one thowsand seventy & fowre acors of meddow & vpland, beinge bounded with M^r John Allens farme on the south; Charles Riuer south & by east, east, & northeast; M^r Richard Brownes farme on the north & northwest; common land north & by west, west & north-west.

M^r Browns
farme.

It. To M^r Richard Browne two hundred acors of meddow & vpland, beinge bounded by Cap^t Keajnes on the south & southwest, Charles Riuer east, & M^r Richard Parker northwest, common land northwest & west.

M^r Parkers
farme.

It. To M^r Richard Parker fower hundred thirtie six acors, beinge

[*259.]

Capt. Keines
ffarme.

bounded by M^r Richard Browne on the south, Charles Riuer south east ; the vpland on the riuere^t runinge into Charles Riuer on the east & by south, east, & north east, common land west, to continue so far vppon the reuerett, takinge in the meddow on both sides, as lieth on the east side of the path goinge from Pacussett to Naticke, with one hundred acors added thereto by the surueio^r M^r Danforth, & sold to M^r Parker by John Johnson, suruejo^r generall.

1650.

23 May.

These seuerall p^{ar}celis of land, with reference to the order of the Generall Court, October 23^d, 1649, were lajd out in the p^{re}sence of Edward Jackson, aforesajd, and, in answer to the requests of the gen^t above mentioned, is approued of by the Court, their seuerall p^{ro}portions of land confirmed vnto them, the just right of any Indian to any p^{ar}t of this land alwayes excepted. P Curiā.

In answer to the petition of the inhabitants of Hauirell for the graunt of an iland lying in the Riuer of Merimacke agaynst some part of theire towne, contayning about 20 or 30 acors, its ordred that theire request be graunted for the sajd iland, vnles M^r Ward or any other shall make any cleare title from this Court, to appeare vnto this Court within three yeares, to the sayd iland. P Curiā.

An iland giuen
to Hauirell.

In answer to the petition of o^r honourd Gouvernour, Thomas Dudley, Esq^r, & Increase Nowell, Gen^t, executors vnto M^r Isaake Johnson, for 4200 acors of land, in respect of fowre hundred pounds adventured in the common stocke, it is ordred, that in regard the sajd 400^{li} was lajd out longe since, & that the petitionors might haue tooke it in the first diuident, that theire request should be graunted without any exception of hindringe a plantation, p^{ro}vided that they take theire land together in one place. P Curiā. 4200 acors.

M^r Dudley's
pet. for 4200
acors of land.

The commissiono^{rs} for the Vnited Collonies, at theire meetinge at Boston the last summer, agreed that Major Edward Gibbons should have twenty pounds payd vnto him from all the collonies for his expences when the last warre should haue ben made against the Narragansets, which, by theire submission, was stajd, & that this colonie should pay the sayd 20^{li}, & they would account to vs for theire p^{ro}portions out of the wampompeage to be rec^d from the Narragansits, & for that end haue charged a bill vppon vs to make payment of it. This Court, for seuerall reasons, thinkes meete to accept of this bill, & doe therefore order that the audito^r generall should signe it, that so satisfaction may be made (memorā: this bill is assigned to the surveyo^r generall to buy powder) by Major Gibbons.

Major Gen^a
gratuity.Assigned for
powder.

*Whereas there hath bin, for some space of time, diuers accounts depending betweene the country & Major Generall Edward Gibbons, and that vppon examination no great matters of diffrence appears in the account betwixt

[*260.]

1650.

23 May.
Major Gen^{ls}
acquittance.

him & the auditor generall, it is therefore ordred by this Courte, that Majo^r Generall Edward Gibbons shalbe fully aquited & discharged of & from all debts & demaunds respectinge the country, from the begininge of the world vnto the day of the date of these p^{se}nts, which we also order shalbe recorded as a full discharge on either party. P Curiā.

Lib^{ty} to Jane
Hawkins.

In answer to the petition of Jane Hawkins, & her sons in her behalfe, for libertie to come into this jurisdiction to visite her children, it is ordred, that the said Jane Hawkins shall haue libbertie to come & stay in this jurisdiction one moneth any time this summer, & leaue her to her libertie to giue satisfaction to the next Courte of Assistants, which if they accept of, they shall haue libertie to admitt her into this jurisdiction. P Curiam.

Answ. to M^r
Coles pet.

In answer to the petition of Elizabeth Cole, widdow, for redresse in respect of a writinge of hers, formerly canceld by the Court.

This Court, hauinge heretofore seuerall times taken her case into consideration, hath done what they conceiue is fully just therein, vnder which the petitiono^r ought to rest herself satisfied, nor can they further act therein. P Curiā.

Answ. to Joh.
Pullens pet.

In answer to the petition of John Pullen, seaman, to be freed from any further service with M^r Trerise, in the shippe Chapman, vpon reasons alleaged in his said p^{et}, it is ordred, that the petitiono^r should be referred to haue his remedy in a Court of justice, where the case may be fully heard & determined. P Curiā.

Answ. to Jo:
Shermans pet.

In answer to the petition of John Sherman, for remittinge of the forfeiture of his bond, 35^{li}, for Robert Palmer, or respiting the execution thereof for some further time, he beinge allowed libertie till the end of June next, by the County Court, this Court sees no cause to graunt any remittment of his fine, his offence beinge of so high a nature, & so great a contempt of authoritie as it was, but thinke meete to graunt the petitiono^r's request to respite the execution, or leavinge of that fine or forfeiture for three moneths from the end of June next. P Curiā.

Repayratiō of
the prisō
howse.

Vpon information giuen vnto this Court by George Munnings, that the prison keepers howse, for want of repairation, is like to fall to very great decay, it is ordred by this Court, that M^r Anthony Stoddard & Thomas Marshall, of Boston, shall take care for the needfull repayratiō of the said howse, & other things about the prison, with all convenient speed, & what shalbe expended in the accomplishment thereof shalbe allowed them by the Treasurer out of the country rate of Boston. P Curiam.

Answ. to
Clarke's pet.

In answer to the petition of Thomas Clarke, of Boston, for the remittinge of his offence in not attendinge the order about custome, whereby he forfeited

certaine moose skins, it is ordred, that the sayd skins mentioned in his petition, & seized vppon as forfeited, should be deliverd vnto him agayne without payinge any more then only the custome.

1650.

23 May.

In answer to the petition of William Phillips, that some p̄ticular townes might be assigned him where he might take vp some pay which is due to him from the country.

Answ. to W^m Phillips petition.

*It is ordered, that the Treasurer shall satisfie the petitioners his p̄portion together as other creditors doe receiue. P Curiā. [*261.]

In answer to the petition of the inhabitants of Sudbury, for the recordinge of the bounds of theire towne, as it was granted by the Court, the Court thinkes meete to graunte theire petition, & that the inhabitants of Sudbury aforesd should haue their bounds recorded, as it was granted by the Courte vnto Watertowne bounds. P Curiā.

Answ. to Sudbury petition.

In answer to the petition of the inhabitants of Boston for repealinge the order that requires custome of the other colonies.

Customes suspended.

This Court, havinge beene credibly informed that the jurisdiction at Queneticott will for the p̄sent suspend the takinge of any custome of vs, & that at their next Generall Court, they intend to repeale the order whereby they imposed it, doth therefore hereby order that there shall be no more custome required of the other confederat colonies vntill we shall certaynly know that Conecticott doe take custome of vs. P Curiam.

In answer to the petition of Mary Woody, the wife of John Woody, of Roxbury, deceased, for to be impowred by this Court to act as an executrix, in regard of p̄sent nessessity requireinge the same, this Court thinkes meete to graunt her request, & doe hereby enable her with full power so to doe, wittnesses havinge deposed to the truth of the will, & Mr Coggan & William Parkes havinge vndertooke to p̄duce a true inventory of his estate at the next County Court. P Curiam.

Answ. to Woodyes petition.

In answer to the petition of Mr Addam Winthrop, in the behalfe of his brother, Stephen Winthrop, for the explanation of a graunt & the boundinge of a farme graunted vnto Mr Humphryes, lyinge betweene the bounds of Salem & Lin, its ordred, that Cap̄t William Hawthorne, Mr Thomas Layton, & Lieutenant Walker shalbe appoynted as commissioners to view the place, & to make report, accordinge as they find it, vnto this Court, whereby we may be enabled the better to determine about the same. P Curiam.

Answ. to Mr Winthrops petition.

In answer to the petition of John Giddney, for the abatement of the rent he is to pay for sellinge of wine at Salem, it is ordred, that the sayd Giddney should pay only fiftene pounds for the rents of wine for this yeare ensuinge, p̄vided that he pay 20^{li}, accordinge to agreement, for the yeare that is past. P Curiā.

Answ. to Giddneyes petition.

1650.

23 May.
Answ. to Mr
Shephards ex-
ecutors.

Daniell Gookine, Edward Collins, with the rest of the ouerscers & ex-
ecuto^{rs} of the estate of M^r Thomas Sheppard, deceased, late pastor of the
church at Cambridge, p^senting a petition, with the approbation of Margret,
the wife of the sayd M^r Thomas Sheppard, subscribed with her hand, in which
they desire power from this Court to make sale of diuers woodlands, lyinge
altogether wast & vnprofitable, which the sayd M^r Sheppard dyed possest of, to
be disposed of for the bringinge vp of his children; in answer to which pet-
tition the Court doth hereby giue liberty to the executo^{rs} aboue mentioned to
sell the foresajd lands according to the contents hereof, p^rvided that they giue
caution to be responsall to this Generall Court before the end of this session.
P Curiã.

Answ. to
Shorts petition.

In answer to the petition of Henry Short, of Newbery, for power from
this Court to recouer, by way of suite, all such rents as remayne vnpayd, due
vnto M^r Stephen Dummer, now in England, from such as enioy his estate
here, it is ordred by this Court, that the petitioner shall haue libertie, & is
[*262.] hereby *impowered, to sue any pson or psons for any rents or arcades due to
the afforesaid M^r Dummer, & vppon receit thereof to aquite & discharge for
the same. P Curiam.

Answ. to Wal-
tons petition.

In answer to the petition of Henry Walton, for the remittinge or moder-
atinge his pennalty for transportinge of powder, it is ordred, that the one halfe
of what he hath forfeited to the country in so doinge shall be remitted.
P Curiam.

Lib^{ty} giuen to
Exeter.

In answer to the petition of the freemen of Exeter for liberty to choose
a cunstable & commissio^{rs} to end small causes, the Court conceiues there will
be no need of such commissio^{rs}, Captayne Wiggan beinge chosen Assistant,
& liuinge so neere; but graunt that they shall haue liberty to chose a cunsta-
ble, as is desired, p^rvided the County Court approue of the pson as being fit
for the place. P Curiã.

Fees remitted.

Audry Palmor, widdow, hauinge receiued a graunt lately from the
Court of the howse of her sonne, John Palmor, as part of satisfaction for what
he receiued of her late husband, vppon her request hath the charges & duties
of the Court, and the offices thereof due for transactinge the same, remitted.
P Cuñ.

Answ. to Pecks
petition.

In answer to the petition of Elizabeth Pecke, for remittinge a fine dew
to the country from her husband & her for lyinge & swearinge, its ordred,
that the petitioners fine of ten shilling for her lyinge shall be remitted, & that
the securitie giuen for her husbands fine of thirty shillings remayne in force
still, & that only is respitted till he come agayne. p Curiã.

Answ. to
M^r Makepeas pe-
tition.

In answer to the petition of Thomas Makepeas, for the releasing of a

certaine pcell of board seized on by the customer, it is ordred, that the one halfe of the forfeiture, which is the countrys right, shalbe remitted; but y^e Court cannot giue away the other halfe, which is & doth appertayne vnto the officer. P Curiã.

1650.

23 May.

Whereas this common wealth is much defectiue for want of lawes for marityne affayres, and forasmuch as there are already many good lawes made & published by o^r owne land & the French nation, & other kingdomes & common wealthes, this Court doth therefore order, that the sajd lawes, printed & published in a booke called *Lex Mercatoria*, shalbe pused & duly considered, & such of them as are approued by this Courte shalbe declared & published, to be in force within this jurisdiction after such a time as this Court shall appoynt; and it is further ordred, that M^r Bellingham, M^r Nowell, M^r Willoby, Cap^t Hawthorne, the audito^r generall, & M^r John Allen shalbe a committee to ripen the worke, & to make returne of that which they shall conclud vpon vnto the Generall Court, and the time of their meetinge to be the first third day of the sixth moth next. P Cuř.

Lex Mercatoria
committee.
Committee to
examine and
report on laws.

In answer to a petition pferred to this Court in the behalfe of William Basset, of Sandwich, who stands arested by the officer of the customes for not entring & payinge the custome of nine bushells of pease, & now desires he may be freed vpon the payment of the customes for the sd pease, concerninge whom this Court doth declare that for seuerall reasons they are not willinge to graunt his petition, but doe order that the whole forfeiture due to the country & the officer should be taken of him.

Ans. to Bas-
setts petition.

Sampson Shore, offringe himselfe for a testimony in the *case of the nine bushells of pease, before exprest, which were forfeited for not being entred, when he went out of the Court sajd we had ben as good haue taken the pease out of his howse; beinge required, gaue no satisfaction, & is therefore finned for his offenciue speach forty shillings. P Curiã.

[*263.]
Shore fined.

Robert Gowen, of Wenham, havinge sould a gunne to the Indians, & in so doeinge havinge forfeited by law ten pounds, vpon a petition pferred to this Court, hath the one halfe of his fine remitted, viz^t, fve pounds. P Curiã.

Ans. to Gow-
ens petition.

In answer to the petition of M^r Symon Bradstreete for eight hundred acors of land dew to him from the country, as by former order appeares, it is ordred by this Court, that the petition^r shall haue liberty, accordinge to his desire exprest in his petition, to take the sajd eight hundred acors, next or neere to the farmes lately graunted to Cap^t Keayne, M^r Richard Browne, & M^r Richard Parker, so it piudice not the village. Ppounded to this Court by M^r Eliott in the behalfe of the Indians, in case it be there to be had. P Curiã.

Ans. to M^r
Bradstreetes pe-
tition.

1650.

23 May.

Answ. to Mr
Wilson's peti-
tion.

Mr John Wilson, pastor of the church at Boston, hauinge a graunt formerly from the Court for a thowsand acors of land in the Pequot country, and in respect it is like to be little or nothings at all beneficiall vnto him, in answer to his desire, exprest in a petition pferred to this Court, it is ordred, that the petitioner shall haue liberty to take his thousand acors of land next vnto Mr Bradstreets 800 acors, mentioned in the next foregoing order, if it be there to be had; but in case it be not there, then to be lajd out in any place within this jurisdiction, so it hinder not a plantation. P Curiā.

Answ. to Mr
Saltingstalls
petition.

In answer to the petition of Mr Rob^t Saltingstall, for three thowsand two hundred acors of land dew to his father in respect of fowre hundred pounds he layd into the generall stocke, it is ordred by this Court, that his request shalbe graunted for three thousand acors of land in any part of o^r jurisdiction, so as he p^sent to this Court the place where he would desire it, before the 20th of October next; and his former graunt of this land, mentioned in his petition, is hereby made voyd. P Curiā.

Bartlets fine
remitted.

John Bartlet, the cunstable of Newbery, beinge vnder a fine of forty shillings for not pvidinge weights & measures according to law, vppon a petition pferd to this Court, hath his fine remitted; the Court havinge receiued satisfactory informatiō that he did his vttmost endeavour to p^oure the same. P Curiā.

Answ. to De-
stauriers peti-
tion.

In answer to the petition of Destauriers, a French marchant, for the remittinge of a fine of fifty pounds, imposed vppon him by a County Court, for rendinge a warrent, in contempt of authoritie here established, it is ordred by this Court, that halfe his fine, viz^t, fue & twenty pounds, should be remitted. P Curiā.

Cookes fine re-
mitted.

In answer to the petition of Rachell Cooke, for the remitting of a fine of fue pounds, imposed vppon her husband, who is since that time deceased, this Court, hauinge information of the miserable estate of the petition^r in respect of her extreame pouertie, thinkes meete to remitte the whole fine. P Curiā.

Courts declara-
tio.

Vppon the surway of a certayne writinge p^sented to this Court, we find that Thomas Nelson, of Rowley, hath constituted Mr Richard Dummer, & impowered him as his lawfull attorney, for the disposing of his estate, as by the sayd writing doth more fully appeare; now, vppon the request of Joh Palmer, of Rowley, this Court doth declare, that the power so giuen & committed to Mr Rich Dummer is good, & accordinge to law, *and that he may act therein without any further confirmation of the same. P Curiā.

[*264.]

Newbery
comissiono^rs.

Vppon the request of the towne of Newbery, Edward Woodman, William Gerish, & Richard Kent are appoynted to end small causes there, accordinge to law. P Curiā.

Whereas, through the good hand of God, many well devoted psons have ben & daylie are moued & stired vpp to giue & bestow sundry gifts, legacies, lands, & reueneues for the aduancement of all good litterature, arts, & sciences in Haruard Colledge, in Cambridge, in the county of Midelsex, & to the mayntenance of the p̄sident & fellowes, & for all accommodations of buildings & all other nessessary p̄visions that may conduce to the education of y^e English & Indian youth of this country in knowledge & godlynes, it is therefore ordered & enacted by this Courte & the authority thereof, that for the furtheringe of so good a worke, & for y^e purposes afforesayd, from henceforth that the sajd colledge in Cambridge, in Midelsex, in New England, shalbe a corporatiō, consisting of seauen psons, (to witt,) a p̄sident, fiue fellowes, and a treasurer or burser; and that Henry Dunster shalbe the first p̄sidente; Samuel Mather, Samuel Danford, M^rs of Art; Jonathan Michell, Comfort Starre, and Samuel Eaton, Bachellors of Art, shalbe the fiue fellowes, & Thomas Danford to be treasurer; all of them being inhabitants in the Bay, & shalbe the first seuen psons, or the greater number of them, p̄curing the p̄sence of the ouerseers of the colledge, & by theire counsell & consent, shall haue power, & are hereby authorized, at any time or times, to elect a new p̄sident, fellowes, or treasurer so oft & from time to time as any of the s̄d pson or psons shall dy or be remoued; which s̄d p̄sident & fellowes, for the time beinge, shall for euer hereafter in name & fact be one body polliticke & corporate in law, to all intents & purposes, and shall haue ppetuall succession, & shalbe called by the name of p̄sident & Fellowes of Harvard Colledge, and shall from time to time be eligible as afore^sd; and by that name they & theire successors shall & may purchase & aquire to themselves, or take & receiue vppon free gift & donation any lands, tenements, or hereditam^{ts} wthin this jurisdiction of the Matathusets, not exceed the vallew of fiue hundred pound p annum, and any goodes & sums of money whatsoever to the vse & behoofe of the s̄d p̄sidente, fellowes, & schollers of the s̄d colledge; and also may sue & plead, or be sued & impleaded by the name afore^sd in all Courts & places of judicature within the jurisdiction afore^sd. And that the s̄d p̄sident, with any three of the fellowes, *shall haue power & are hereby authorized, when they shall thinke fitt, to make & appoynte a common seale for the vse of the s̄d corporation; and the p̄sident & fellowes, or major p̄t of them, from time to time may meete & choose such officers & servants for the colledge, & make such allowance to them, & them also to remoue; & after death or remoueall to choose such others; & to make from time to time such orders & by lawes for the better ordning & cariing on the worke of the

1650.

23 May.
College corpo-
ra^{co}.

College in
Cambridge in-
corporated.

[*265.]

1650.

23 May.

[*266.]

colledge, as they shall thinke fitt; pvided they, the s^d orders, be allowed by the ouerseers. And also that the p^sident & fellowes, or the major p^t of them, with the treasurer, shall haue power to make concludiue barganes for lands & tenements to be purchased by the s^d corpora^t for valueable considera^cō. And for the better ordninge of the gouern^t of the s^d colledge & corpora^cō, be it enacted by the authoritie afore^sd, that the p^sident & three more of the fellowes shall & may from time to time, vppon due warninge or notice giuen by the p^sident to y^e rest, hold a meetinge for the debateinge & concludinge of affayres concerninge the p^rfits & reuenewes of any lands, & disposinge of their goods; pvided, that all the s^d disposings be accordinge to the will of the doners. And for direction in all emergent occasions, executions of all orders & by lawes, & for the p^reueninge of a generall meetinge of all the ouerseers & societie in great & difficult cases; and in case of non agreem^t īn all w^{ch} cases afore^sd, the conclusions shalbe made by the major p^t, the s^d p^sident havinge a castinge voyce, the ouerseers consentinge therevnto; and that all the afore^sd transactions shall tend to & for the vse & behoofe of the p^sident, fellowes, schollers, & officers of the s^d colledge, and for all accomodations of buildings, bookes, & all other nessesary p^rvisions & furnitures as may be for the advauncment & education of youth in all manner of good litterature, arts, & sciences. And further, be it ordered by this Court & the authoritie thereof, that all the lands, tenements, or hereditaments, howses, or reuenues, within this jurisdiction, to the afore^sd p^sident or colledge appertayninge, not exceedinge the vallew of fīue hundred pounds p^r aⁿūm, shall from henceforth be freed from all ciuill impositions, taxes, & rates; all goods to the s^d corporation or to any schollers therof appertayninge shalbe exempted from all manner of toll, customes, excise whatsoever. And that the s^d p^sident, fellowes, & scholers, together with the servants & other nessesary officers to the s^d p^sident or colledge appertayninge, not exceedinge ten, viz^t, three to the p^sident & seavē to the colledge belonginge, shalbe exempted from all *personall, ciuill offices, millitarie exercises or services, watching & wardings, & their estates from, not exceedinge one hundred pounds a man, shalbe freed from all country publicke taxes & rates whatsoever, & no other. p^r Curiā.

Courts 1st to
Road Iland,
Warwicke, &c.,
in ans. to 5th pet.

To such of Road Iland, Warwicke, Shawamett, Pautuxit, Pvidence, or who else soever in any of those places it may concerne.

The Generall Court of the Matatussets thinks meete to giue notice that Pomhom, Socananocho, William Carpenter, W^m Arnold, &c, of Shawamett or Pautuxit, haue p^rsented to them seuerall complaynts containyd in seuerall

petitions of iniuries done to them by some of the inhabitants of Road Island, Warwicke, Shawamett, or Pautuxit. This Court adduiseth all such whom it may concerne to forbear psecutinge any suites amongst yo^rselues agaynst the sajd W^m Arnold, W^m Carpenter, Pomhom, & Socananocho, or doeing them, or any of them, any further iniuries respectinge theire psons or estates till you shall here further from this Court, which will not be longe. P Curia.

1650.

23 May.

EDWARD RAWSÖ, Secr^t.

In answer to the petition of M^{rs} Elizabeth Stoughton for the confirmation of the sale of an estate to the vallew of fue hundred & ninetie pounds, sold to John Milam, of Boston, its ordred by this Court, that her request shall be graunted herein, & the sale of the sayd estate approued of & hereby confirmed to the sajd John Milam, and his heires, executo^rs, & assignes for euer. P Curia.

Ans. to M^{rs}
Stoughtons pe-
tition.

The answer to a petition of diuers of the inhabitants of Boston for the releasm^t of M^{rs} Tilly was thus: That it is no small grieue vnto the Court to be so much pressed by so many men & women, both now & heretofore, beinge such as deserue so great respect from them, in a case which they cannot gratifie them in without y^e violation of theire consciences, & that authoritie the country hath betrusted them withall, so that they might answer as Solomon did his mother, whom he was loath to deny any thinge, Aske for M^{rs} Tilly the kingdome also; for the petitiono^rs should doe well to consider that notwthstand- inge the censure past vpon her, which the magis^{tr}s, vpon the full euvidence they had then, did, & yet doe, thinke to be just, yet being willinge, out of respect they beare to the petiono^rs heretofore, to conniue at her disobedience so far as they might wthout betrayinge all authoritie into her hands, haue hitherto pmittid her to goe whether she pleased, doe what she listed, & speake what she would, without further questioninge of her of those who were bound to returne her to p^rson, wherby she rather was or might haue ben as vsefull in her midwifry as before her censure; but it playnly appeares by her cariage & speeches, & her vrginge others thus still to petition for her, that nothinge but a compleat victory ouer magistracy will satisfy her excessiue pride, which they desire may be weighed by the petitiono^rs & others in an equall balance, there beinge as much need to vpphold magistracy in theire authority as M^{rs} Tilly in her midwiury, that so farther impartunity may be forborne, & y^t both magistrats may serue God & y^e country without discouragm^t in theire places, & M^{rs} Tillys friends may at length be pacyfied. P Curia. Bis factu.

Ans. to pet. of
Bost^o.
Courts reply to
the petitioners
of M^{rs} Tilly.

*Nathaniel Baker, in an actiō of the case vpon a repleuin, commenced a [267.]

1650. ^{23 May.} ^{Hingham case.} sute at a County Court held at Boston, agaynst the townsmen of Hingham, defendants: the jury found for the defend: the magistrats refused the verdict: the case fell to the cognizen of the Generall Court: the whole Court, being mett together, herd the case, & all the evidences, & in fine determined by vote that the verdict of the jury should be receiued.

^{Capt. commissiō.} To o^r trusty & welbeloued friends, Cap^t Humphry Atherton & Cap^t Eliazer Lusher, these: You, beinge chosen commissiono^{rs} by the Generall Court, haue full powre and authoritie, and are hereby enabled, in their names, to consult, agree, and determine with the Generall Court of Plymouth concerning the title of land called Shawamett & Patuxitt, and ptection of the English & Indians there, according to o^r engagm^t, repayingr all priuate injurys according to law & justice. P Curiā.

June 7th, 1650.

^{7 June.} ^{Plymouths resignation.} Forasmuch as there hath ben, for some longe time past, some question dependinge betweene the jurisdiction of the Massachusetts & New Plimouth concerninge a certayne tract or tracts of land called Shawamet & Pautuxit, & some places thereabouts, & that it hath pleased the honou^rd Generall Courte of the Massachusetts to graunt a commission, vnder the hand & seale of the said Courte, vnto Captayne Humphry Atherton & Captayne Eleazer Lusher, enableinge & investinge them with full power & authoritie to treat, consult, & determine together with the Courte of Plimouth afore^sd, in all cases whatsoever doe or may concerne the tracts of land before specified, the Generall Courte of Plimouth havinge, in considera^ō of the p^rmisses, as also for the p^rseruinge of mutuall loue, friendship, & amitie with their neibours of Massachusetts, havinge chosen & deputed M^r William Bradford, Gouverno^r, M^r Thomas Prince, M^r William Collier, Assistants, and M^r Joh Howland, M^r Thomas Democke, M^r James Cudworth, & M^r Josiah Winslow, freemen, as a committee of the said Courte, & authorizinge & enabling them with full power for them & in their behalfe likewise to debate, resolute, & fully to determine together with the afore^sd commission^{rs} of the Massachusetts, all & euery of the cases & quæstions about or concerninge the land afore^sd, which said committee, vppon due considera^ōn, as afore^sd, doth resolute, conclude, & determine as followeth, viz^t: —

That they doe fully & for euer relinquish & yeeld vp vnto the gouern^t of the Massachusetts afor^sd all the right, tittle, or clayme whatsoever the s^d gouernment or jurisdiction of Plimouth haue, or might haue had, any way, or by any meanes whatsoever, vnto that whole tract or tracts of land knowne by the name of Shawamett & Pautuxit afore^sd, beinge such as are, or were, the just rights of Pomhom & Socananocho, or either of them, at that time, when

the sd sachems subiected themselues & theire lands to the jurisdiction of the Massachusetts aforeſd, theire sd rights beinge, or to be, cleared accordinge to evident & aparent demonstration; *and we, the ſajd committee, by the authoritie aforeſd, doe, in like manner, relinquish vnto the jurisdiction of the Massachusetts all o^r rights, clayme, or tittle vnto the lands justly & lawfully possessed by William Arnold & Robert Cole, & such of the other English as at that time, together wth themselues, did, in like manner, subiect to the Massachusetts, as aforeſd; p^{ro}vided, that this shall in no sorte hinder or p^{re}judice the due accomplishment of the order of the honourd committee of Parliamt in any other thinge or case therein concerned; and also p^{ro}vided alwayes, that the bounds of these aforeſd lands shall not extend farther towards Cowiscit then the true knowne & approued limitts of the lands of Pomhom did extend at the time of theire subiection to the jurisdiction of the Massachusetts, as aforeſd; & also further, with this p^{ro}viso & condition, that what lands soeuer haue ben already, or hereafter may be, made to appeare to belong to the towne or inhabitants of P^{ro}vidence vnto this day, by any just title, shall not be included in this relinquishm^t aboue specified, but shall, notwithstandinge, remayne & wholly belonge to the inhabitants of P^{ro}vidence freely to enjoye, as formerly they haue done; and also, that this jurisdiction of Plimouth be not in any thinge hereby put to more trouble or charge then any other of the two confederate jurisdictions, viz^t, Conecticott & Newhaven.

1650.

7 June.
[*268.]

Plymouth relinquishes all right to Shawmet & Patuxet lands possessed by W^m Arnold & others.

WILLIAM BRADFORD,
THOMAS PRENCE,
WILLIAM COLLIER,
THO: DIMOCKE,
JAMES CUDWORTH,
JOSIAS WINSLOW,
JOH: HOWLAND.

This retorne of o^r commissiono^{rs}, with the resignation of the Generall Court of Plimouth of the tract of land therein mentioned, were approued off; the commissiono^{rs} had thankes returned them for theire paynes, & the act of the Generall Courte of Plymouth appoynted to be recorded, June 19th, 1650.

Approbation of Plymouths resignation.

19 June.

EDWARD RAWSON, Secre^t.

Vppon the petition of Peter Oliuer, James Pen, & James Johnson, of Boston, power of administration is given them to the estate of Nic^o Willis, accordinge to theire desire, respectinge the will annexed to theire petition, p^{ro}vided they bringe in an inventory of the estate to the next County Courte. P Curiā.

Answ. to Willis administrators, P. Oliver.

1650.

19 June.
Marshalls power.

Whereas the seuerall marshals, & theire deputies, of the seuerall counties, in the execution of theire office, beinge generall officers, haue often times neede of helpe of others when they are to serue attatchments & executions vpon vnruely & disobedient psons, it is therefore hereby ordred, that they & euery of them haue & shall haue the same power to enioyne & charge any pson they shall se meete to vse for such theire helpe and assistance to ayde them therein as euery cunstable hath, & whosoeuer shall refuse or not yeeld theire obedience thereto shall incurre the same pennaltie that those doe or should doe that refuse to ayd any cunstable in his office. P Curiā.

[*269.]

Answ. to Mr
Haughs petition
400 acres
of land.

*In answer to the petition of Mr Samuel Haugh, for the confirmation of a graunt of fower hundred acors of land, formerly graunted to Mr Atherton Haugh, his father, it is ordred, that his petition shalbe graunted, & the foreśd land layd out neere the bounds of Concord, northwest; & this Courte doth appoynt Cap^t Willard & Sergeant Bloud, of Concord, to lay out the same. P Curiā.

Comissioners to
require charge.

It is ordred & by this Courte enacted, that the commission^{ers} for the Vnited Colonies at theire next meetinge shall require a pportionable parte of the charges expended by Mr Edward Winslow, agent for this country in England, accordinge to the pfits accrued, & that is expected to accrew to this country in generall accordinge to the equitie of the case, & to make pvision for the payment thereof. P Curiā.

Answ. to Mr
Mauericke's pe-
tition.

In answer to the petition of Mr Samuel Mauericke for the remittinge or mitigation of a fine of one hundred & fiftie pounds formerly layd vpon him, it is ordred, that the petition^{er} shall haue the one halfe of the foreśd fine abated. P Curiā.

Comissioners
confirmed.

The major part of the freemen of Norfolke, hauinge made choyse of Mr Rob^t Clemente, Mr Christopher Batt, & Lieutenant Pike to sit as commission^{ers} with the Magistrats in theire County Courts for this yeare ensuinge, haue theire choyse confirmed by this Courte.

Pvision for or
comissioners.
Horses to be
impressed.

It is ordred by the authoritie of this Courte, that it shalbe in the power of any one magistrate to giue warrent vnto the seuerall cunstables of Boston, Charlstowne, Roxbury, & Dorchester, to presse fower sufficient seruiseable horses, with fitt furniture, for the seruise of or honourd commission^{ers} & theire attendants at the next meetinge of the commission^{ers} of the Vnited Colonies. And the owners of the sajd horses are to be satisfied by the Treasurer out of the country rate. P Curiā.

Comissioners
libertie to
meete.

This Court, takeinge into serious consideration the pposition of the com^{is}sion^{ers} of the Vnited Colonies in the booke, page 178, That whereas the occasions of the colonies doe sometimes require the meetinge & consultations

of the commissiō^{rs} before the ordinary time appoynted by the articles of confederation in the 7th moneth, & so that meetinge may conveniently be spared, doth therefore hereby order, that henceforth it shalbe left to the libertie of the commissiō^{rs} for the time beinge to order the times of their meetinge as the occasions of the colonies may require, & so forbear the ordinary meetinges in September, as they shall see cause. Provided there be no occasionall meetinge in the summer before September, then the yearly meetinge to be held as in the articles of confederacō. P Curiā.

1650.

19 June.

Whereas there is a certayne tract or tracts of land called Shawamett & Pautuxet, belonginge to this jurisdictiō, & is not yet brought to be within the bounds of any county, this Court doe therefore order, that Shawamett & Pautuxet shalbe accounted from henceforth as belonginge to the county of Suffolke. P Curiā.

Suffolke enlarged.

It is ordred by the authoritie of this Court, that Captayne Humphry Atherton, in consideration of the good servise he hath done at severall times for the country, shall have, as a manifestation of or thankfull acceptance of the same, a farme graunted him of five hundred acors, to be layd out when he shall tender any convenient place that is not already graunted, nor will hinder the settinge vp of a village. P Curiā.

Capt. Athertons gratuity [*270.]

For explanation of & addition to the law, title Pphane Swearinge, it is ordred by this Court & authoritie thereof, that if any person shall sweare more oathes then one at a time before he remoue out of the roome or company where he sweares, he shall then pay the sūme of twenty shillings. The like pœnalty shalbe inflicted for pphane & wicked cursinge, of any pson or other creature, & for y^e multiplyinge the same, as is appoynted for pphane swearinge. And in case any pson so offendinge by multiplyinge oathes or cursinge shall not pay his or their fines forthwth, they shalbe whipt or comitted to prison till they shall pay the same, at the discretion of the Courte or magistrate that shall have cognazance thereof. P Curiā.

Penalty for swearing & cursinge.

It is ordred by the authoritie of this Courte, that or honoured Gouverno^r, Mr Bellingham, Mr Joseph Hills, Cap^t Humphry Atherton, & Cap^t Edward Johnson, or any fower of them, shalbe a committee to draw vp instructions for or honoured commissiō^{rs} for their directions agaynst the time when the commissiō^{rs} of all the colonies shall meete. And this committe to meete vppon timely notice given them from the Gouverno^r. P Curiā.

Country committee to draw up instructions for the commissiōners.

As an addition to the law, title Gaminge, 1646, 1647, it is ordred by this Courte & the authoritie thereof, that bowling, or any other play or game in or about howses of common entertaynment, shalbe, & hereby is, phibited, vnder the same pennalty to any pson offendinge herein as is pvided for in the

Addition to law, title Gaminge.

1650.

19 June.

Straungers lib-
erty to try ac-
tions.

aforeſd law agaynst players at ſhouelboard ; nor ſhall any perſon be an abetter to any kind of gaminge, on the ſame penalty pvided for agaynst playinge for money or money worth phibited in the ſayd lawes. p Curiā.

Whereas oftentimes it comes to paſſe that ſtraungers cominge amongſt vs haue ſudden occaſions to try actions of ſeueral natures in o^r Courts of juſtice, & in reſpect it is very chargable to the ptyes & troublſome to the country to call ſpeciall Courts for the determination of ſuch caſes, it is there- fore ordred by this Court & authoritie thereof, that from henceforth it ſhalbe in the libtie of any ſtraungers, vppon legall ſummons, to enter any action agaynst any pſon or pſons not reſidinge or inhabiting amongſt vs in any of o^r Courts within this juriſdiction. p Curiā.

Mr Bartholo-
mew to be re-
payd money
advanced.

Whereas M^r William Bartholomew, of Ipſwich, & M^r Henry Bartholo- mew, of Salem, haue tendred themſelues to ſupply fifty ſhillings apeece in money towards the chardge of the comiſſioner^s of the colonies, it is ordred by this Court, that the foreſd M^r William & M^r Henry Bartholomew ſhalbe payd the ſame out of the next country rate in each towne, of the beſt of the pay, with allowance of 6^d vppon euery five ſhillings for forbearance & other inconueniencies, vnleſſe it be payd them in money in Nouember next. p Curiā.

[*271.]

Powers giuen
to treat with
Gorton, &c.

*It is ordred & by the authoritie of this Court enacted, that the Magiſ- trats of the next County Courte, to be held at Boſton in July next, ſhalbe, & hereby are, impowered with ample power and authoritie to treat with & con- clude with ſuch of M^r Gortons company as ſhall come therevnto (if they are not ſatisfied that Shawamett & Pautuxit are now juſtly & vndoubted- ly within o^r juriſdiction) of nominatinge a meete & indefrent judge & jury to here & determine the poynts of diffrence betweene them & o^rſelues in that reſpect, that ſo mutuall peace & loue may be pſerued amongſt vs. p Curiā.

Lib^{ty} given to
Younge.

Whereas Thomas Younge, a ſeaman, now in Boſton, hath ſerued Cap^t Barnabee Stanfaſt, maſter of a ſhippe now before Boſton, with an attatchment to appeare at the next Courte held at Salem, in an action of the caſe for wages dew unto him, witheld by the ſd m^r, it is ordred by the authoritie of this pſent Courte, that the ſd maſter of the ſhippe ſhall answer the action at Salem Courte aforeſd, accordinge to the attatchment, any law or cuſtome to the contrary notwithstandinge. p Curiā.

Lib^{ty} giuen to
Dorcheſter to
ſue Tompo.

In answer to the petition of the inhabitants of Dorcheſter for the con- firmation of their title vnto Tompſons Iland, which hath benne lately queſtioned, it is ordred, that the petitiono^rs be referd to the next ſeſſion of this Court, to receiue a more full answer to their petition ; & in the meane time, they ſhall haue libtie to take out ſummons or attatchment agaynst M^r

John Tompson, to require him to appeare then & there to make his defence agaynst the petition^{ers} respectinge the said land. P Curiam.

1650.

Whereas, in the first session of this Courte, vpon the petition of sundry on the behalfe of the schoole of Dorchester, in relation to the title of the land called Tompsons Land, it was ordred, that M^r John Tompson should be summoned, or attatched, to attend a hearinge of the case at this p^{re}sent session, yet, not knowinge whether the same was serued or no, it is therefore ordred, that attachment shalbe graunted to bind the said M^r Tompson to a hearinge of the case at the next session of this Courte. P Curia.

19 June.
Further lib^{er}.

It is ordred by this Courte, that the seruants of Hugh Gunison, that haue giuen their attendance vpon the Howse of Deput^{ies} this Courte, shall haue giuen them, as a gratuitie, twenty shillings, & the seruants of M^r W^m Phillipps, who haue attended on o^r honoured Magistrats, shall haue ten shillings, to be paid them by the Treasurer. P Curia.

Seruants gra-
tuitie.

This Courte, beinge willinge that M^r Mathews should haue an optunitie to giue satisfaction for what he formerly deliuered as eronious, weake, &c, which is his owne desire also, doe order, that he shall haue opportunitie soe to doe the 28th of this instant moneth, at Boston, at M^r Phillipps his howse, by eight of the clocke in the morning, to giue satisfaction for the same, if he can, to the elders of Boston, Charlstowne, Roxbury, & Dorchester, with such of the magis^{trates} as shall please to be p^{re}sent there. P Curia.

Lib^{er} to M^r
Mathewes.

Whereas John Prescot & others, the inhabitants of Nashaway, p^{re}ferd a petition to this Courte, desireinge power to recouer all common charges of all such as had land there, not residing w^{ith} them, for answer wherevnto, this Court, vnderstandinge that the place before mentioned is not fit to make a plantation, (so as a ministry to be erected & mayntayned there, which if the petition^{ers}, before the end of the next session of this Court, shall not sufficiently make the said place appeare to be capable to answer the ends aboue mentioned,) doth order that the p^{ar}ties inhabitinge there shalbe called thence, & suffred to liue without the meanes, as they haue done, no longer. P Curia.

Answ. to Pres-
cots petition.
J. Prescott.

*It is ordred by this Courte & the authoritie thereof, that henceforth any graunt, sale, bargan, or morgage of howses, lands, rents, or other heriditaments, recorded by the recorder of y^e shire in which such howses, lands, rents, or heriditaments are, shalbe sufficient securitie vnto the purchaser, or graunttee, without any further certifyinge vnto the recorder or secretary for the Generall Courte; and that clause in the close of the printed law, title Conueyances Fraudulent, page 14, requireinge the same, is hereby repealed. P Curia.

[*272.]
Recordinge of
lands, &c.

1650.

19 June.

Booke of Discipline, Courts
order on.

Forasmuch as the Booke of Discipline was, by order of the Generall Courte, to be commended to the seuerall churches of this iurisdiction, to be by them considered, & their consent or dissent to be returned to this Generall Courte of Election, concerninge the particulars therein expressed, & forasmuch as (it is said) that some of the churches were ignorant of the said order, & therefore little hath ben done in that particular, this Courte therefore, takinge into consideration how necessary the fittinge of that worke wilbe, and how much it will tend to Gods glory, & peace of those churches, doe hereby order, that the said booke be duly considered off of all the said churches within this patten, & that they, without fayle, will returne their thoughts and judgments touchinge the particulars thereof to the next session of this Courte, to the end that the said worke may be pited to Gods praye, and that a copie of this be forthwith sent to euery one of the said churches; and further, it is hereby desired, y^t euery church will, by the first opportunity, take order for the pcuringe of that booke, published by the synod at London, concerninge the doctrine of the gosple, that the churches may consider of that booke, also, as soone as they can be gotten. P Curiā.

Publication of
lawes and dis-
posal of.

It is ordred by this Courte & the authoritie thereof, that henceforth the secretary for the Generall Courte shall, within two monethes after the end of euery session, send vnto the cleark of euery Shire Courte, as also vnto the p^sent or late depu^ts of each towne, or to the constable where no deputy is, a coppie of all generall orders made in each Courte, for which he shall receiue of the Treasurer for euery such coppie after the rate of 8^d p page, which the Treasurer shall charge vpon each towne, together with their country rate, from time to time, viz^t, for the coppies sent to the particular townes.

And it is further ordred by the authoritie afore^sd, that y^e deputies, or constables of each towne where no deputy is, shall cause the same to be audibly read in a publicke towne meetinge, warned by the constable of each towne, within ten dayes after their receipt thereof, on p^ennalty of five pounds vpon any deputy or constable for neglect of their respectiue duties; & it is further ordred by the authoritie afore^sd, that such readinge thereof in any shire or market towne in each shire shalbe a sufficient publication thereof from time to time, and also that the Treasurer shall haue a coppie of such Court orders as afore^sd, without payment of any thinge for the same. P Curiā.

Questions re-
solved.

A question beinge put, whether a priuat person, not a common or publicke licensed seller of strong waters, entertayninge three or fowre p^sons in his howse, & lettinge them there to drinke strong waters, vntill one of them is drunke, & receiuinge money for it, whether it be a breach of the law

[*273.] *intituled lukepers, sect. (1); & accordingly the persons are lyable to the

pennalty therein mentioned. The Courts resolution herein is affirmative, that as the case is here stated, it is a breach of the first sect of that law, & that the pennalty may be taken accordinge to what is therein expressed.

1650.

19 June.

2. Whether it be the intent of the Courte vpon the law intituled *Pphane Swearinge*, that a party being legally convicted at one & the same time of the breach of that law by twenty or forty *pphane oathes*, & the delinquent not able to pay any fine, whether those to whom the execution of that law is committed are bound to fetch such a delinquent to the stocks so many severall times, although he live two or three miles from the place of execution.

The Courts resolution herein is, that they judge it most meete to leaue it to the discretion of the magistrate whom it concernes to deale therein, to determine the case with respect to the season of the yeare. P Curiā.

Whereas we haue bin credibly informed that great mischeifes & outrages haue ben wrought in other plantations in America by commaunders & soldiers of severall qualities, & other straungers, issuinge out of other parts, vsurpinge power of gouernment ouer them, plundringe of their estates, takinge vp armes, & makinge great diuisions amongst the inhabitants where they come, to puent the like mischeifes in this jurisdiction, this Courte doth order, and it is hereby enacted, that all straungers, of what qualitie soever, aboue the age of sixteene yeares, arriuinge here in any ports or partes of this jurisdiction, in any shippe or vessells, shall immediatly be brought before the Gouvernour, Deputy Goũno^r, or two other magistrats, by the master or mate of the said shipp or vessell, vpon the pœnalty of twenty pounds for default thereof, there to giue an account of their occasions & busines in this country, whereby satisfaction may be giuen to this common wealth, & order taken with such straungers as the said Gouverno^r, Deputy Goũno^r, two Assistants, or the next County Court shall see meete, & that the law for entertayning of straungers be strictly put in execution; and this order to be posted vp vpon the seuerall meetinge howse dores or posts, or other publicke places, in the port townes of this jurisdictions. And it is ordred, that the cap^t of the Castle shall make knowne this order to euery shipp or vessell, as it passeth by; & the cunstables of euery port towne shall endeauour to doe the like to such shippes or vessells before they land theyre passengers, & that a true record be kept of all the names of such straungers, & their qualitie, by the clearke of the writts, who shall haue the names giuen them by the said Gouverno^r or magistrats, to be returned to the next imediate session of the Generall Courte. This order to continue till the next session of this Court. June 21, 1650.

Prevention of
outrages.Strangers on
their arrival to
report them-
selves.

21 June.

P Curiā.

Whereas Mr Winslow, by his letter, informes that he borrowed, two

Country credit-
ors repaid.

1650.

21 June.

years since, of M^r Willoby, M^r Frauncis Norton, & Captayne Rob^t Hardinge, five pounds of each of them, for supplying himselfe to cary on the publicke occasion, & of M^r Hezekiah Vsher, forty shillings, this Court thinkes meete, & doe therefore order, that the Treasurer should pay vnto them, viz^t, to each of them that lent five pounds, seuen pounds; & to M^r Hezekiah Vsher, fifty six shillings out of the next country rate. P Curiā.

Norfolke
Courts.

Vppon the request of the inhabitants of Norfolke, M^r Bellinghā is ap-
poynted to keepe the County Courts there, with Cap^t Wigan, for this year
ensuing, 1650. P Curiā.

Deput^e depart-
ing.

[*274^a.]

Sundry of the deputies, by reason of the remotnes of theire dwellings,
& being p^sently to depart the Court, to goe to theire seuerall habitations, doe
hereby conferre the power of the whole *vnto such & so many of the mem-
bers of this Court as shall remayne together, to act only in the perticulers fol-
lowing, viz^t: To agree of instructions for the commission^{ers}, viz^t, Cap^t Ather-
ton & Captayne Lusher in the busines of Plimouth, touching Pautuxit &
Shawamett. 2^o. To p^sfit & conclude the adjournment of this Court vntill the
third day next come fortnight, viz^t, the 19th of this 4th moth, 1650, at eight
of the clocke in the morninge. P Curiā.

M^r Allens ac-
knowiedgm^t.

Whereas I, Bozoone Allen, am charged to haue vttered some words or
expressions vnto the right worth Thomas Dudley, Esq^r, late Deputy Gouno^r, &
now Gou^rno^r, of the jurisdiction of the Massachusets, in the last County Court
for Suffolke, tending to his reproach, viz^t, that somthing which he then spake
or related touching some agitation of M^r Cotten & M^r Wilson, at Waymouth,
in relation to some of Hingham, was false, I desire, vnder fauour, humbly to
expresse my selfe as followeth:—

1. First, that I doe not remember that I did so speake; but inasmuch as
the Magistrats are informed that I did then & there so speake, I am willinge
rather to suspect then to iustifie my selfe, accountinge & acknowledging it to
be very evill, sinfull, & insufferable for any to asperse or reflect any blenish
vppon any member of any Courte of justice, & much more to be done by me,
or any so ingaged or intressed in vpholding the honour of the country & prin-
cypall pillars thereof, as I account my selfe to be, and most of all, to de-
fame him whom I know & acknowledge to be, & haue ben, so eminently ser-
uisable vnto & tender of the good of this country, and doe in very deed
acco^t it a matter of greife vnto my very soule that he should be reproached or
the least eclipsed by any, & much more that I should be, or apprehended to be,
an occasion thereof.

2. Secondly, I doe sollemnly p^sfesse that I neither haue, nor then had,

such a thought in my hart, nor I trust shall ever harbour such a thought, as if he, viz^t, o^r honour'd Gofino^r, did or would willingly speake or relate any thinge vntrue or false; nor know I any ground for my self or any man so to conceiue, much lesse to conclude or affirme concerninge him.

3. My humble request to this honourd Courte, & in perticuler to o^r honoured Gouvernor, is, that I may be fauourably construed accordinge to my vpright & sinceare acknowledgment & ptestation; and that whatsoeuer in my expressions, on the occasions aforesayd, was justly offence in one respect or other, may be remitted & couered with the mantle of loue, which hopes, beleeeues, & suffers much.

4. For vindication of o^r honoured Gouvernor from all appearance of reproach by my occasion, my humble request is, that this acknowledgment may be publickly read before this whole Courte. So desiringe yo^r prayers to God for me, that I may be more circumspect & inoffensive in all poynts for time to come, I humbly subscribe myselfe willinge in all I may to serue & honour youe.

BOZOONE ALLEN.

The Courte conceiues that this acknowledgment of M^r Bozoune Allen, in respect of the offence he gaue concerninge o^r honourd Gofinor, is satisfactory, & doe approue thereof. P Curiā.

Courts approbation of M^r Allen's acknowledgment.

In answer to a petition p^sented to this Court, in the name & in the behalf of the towne of Boston, that *that* they might become a corporation, it is agreed vpon by the Court that their desire should be graunted, if the articles or termes, priuiledges & imunities thereof were so p^sented as rationally should appeare, respectinge the meane condition of the country, fit for the Courte to graunte, p^rvided they p^sent their p^positions at the next sessions of this Courte to be considered off. P Curiā.

Ans. to Boston for a corporacō.

[*274^b.]

In answer to a petition p^sented to this Court by Edmund Angier, Edmund Frost, Joh Cooper, & Nathaniell Sparawhauke, feoffees of the estate of M^r Nathaniell Sparawhauke, deceased, for power to be giuen vnto the petetionors to make sale of such howses & wast lands as they find to be least p^rfitable to the estate & children of the s^d M^r Sparawhauke, it is ordred, that the petition shalbe graunted, & that the feoffees in trust should haue power to dispose of the estate mentioned in the petition, p^rvided that they giue caution to be responsall vnto this Courte for the disposinge of it to the vse of the children. P Curiā.

Ans. to M^r Sparhawkes feoffees.

In answer to the peti^cō of Henry Dunster, p^rsident of Haruard Colledge, in Cambridge, with relation to his desire in f^{ve} p^rticulers, viz^t, first, for the graunt of a corporation for the well ordning & managinge the affayres belong-

Answer to M^r Dunsters pet. 1 p^rpositiō.

1650.

21 June.

1650.

21 June.
2 ppositiō.

Answ.

inge to the colledge, the Court is ready to graunt a corporation to the colledge, so as meete psons be p̄sented to the Courte, wth a draught of theire power & libtie, neither magistrats who are to be judges in poynt of diffrence that shall or may fall out, nor ministers who are vnwilling to accept thereof; for the appoyntment of a meete pson to lay out a portion of land giuen as a legacy by M^r Israel Stoughton to the colledge, the Courte graunts & apoynts M^r Danforth, the surveyor, to lay it out, with such as the executo's of M^r Stoughton shall nominate, & they two to agree on a third, to lay out the land graunted as a legacy as aboue mentioned.

3 ppositiō.

For enlargment of buildinge there, & assignment of a debt of one hundred pounds to them.

Ans.

For the debt of one hundred pounds, the Courte readily graunts, that it be payd accordinge as it was formerly apoynted; for the desire of enlargment of buildinge, the Courte, beinge so farre in debt, are in no capacitie at p̄sente to encourage it, as otherwise they would.

4 pposition.

For regulatunge the ferry rent.

Answ.

The Courte can find no way to alter agreement with the ferry men, without theire consents.

5 ppositiō.

For exemption from payinge customes, respectinge New Hauen, Conecticott, or Plymouth, gen^t gifts to be sent to the colledge.

Answ.

The Court readily graunts the colledge exemptiō from all custome in such respects. P Curiā.

Answ. to Dorchester respecting M^r Tilley.

Whereas diuers of the inhabitants of Dorchester p̄ferd a petition to this Court, for the releasment & enlargment of M^{rs} Tilley, the Courte, hauinge receiued a petition from the inhabitants of Boston, this Court, of the same nature to which they haue giuen a large answer, thinke meete to referre these petitionors to what they haue there exprest, which shalbe the answer to this petition. P Curiā.

Traders phibited.

Foreigners not to trade with Indians.

Whereas the French, Dutch, & other forreigne nations doe ordinarily trade guns, powder, shott, &c, with the Indians, to o^r great p̄iudice, & strengthninge & animatinge the Indians agaynst vs, as by daily experience we finde, & whereas the afforesd French & Dutch, &c, doe phibite all trade with the Indians within theire respectiue jurisdictions on the penalty of confiscation, &c, it is therfore hereby ordred, that, after due publication hereof, it shall not be lawfull for any French man, Dutchman, or pson of any forrajgne nation whatsoeuer, or any English lineinge amongst them, or vnder them, or any of them, to trade with an Indian or Indians wthin the limitts of o^r jurisdiction, either directly or indirectly, by themselues or others, vnder pennalty of confiscation of all such goods or vessells as shalbe found so

tradinge, or the due valew thereof, vppon just prooffe of any goods or vessells so *tradinge or traded; and it shalbe lawfull for any pson or psons inhabitinge within this jurisdiction to make seisure of any such goods or vessells tradinge with the Indjans, as by this law is phibited; one halfe whereof shalbe to the pper vse & benefitt of the party seisinge, & the other half to the publicke. *p Curiā.*

1650.

 21 June.
 [*275.]

In answer to the inhabitants of the towne of Boston, for the releasment & enlargement of M^{rs} Tilley, midwife, the Court doth answer, that it is no small greife vnto them to be so often pressed, both in generall & p̄ticular Courts, by so many women heretofore, & now also by so many men, beinge such as deserue so great respect from them, in a cause which they cannot gratyfie them in without the violation of theire consciences & that authority the country hath betruusted them withall, so that they might answer as Solomon did his mother, (whom he was loath to deny any thing,) Aske for M^{rs} Tilley the kingdome also; for the petitionors should doe well to consider that, notwithstandinge the censure past vppon her, which they, vppon the full evidence they had then, did, & yet doe thinke to be just, yet beinge willinge, out of the respect they beare to to the former petitionors, to coniuie at her disobedience, so far as we might, without betrayinge all authoritie into her hands, haue hitherto p̄mitted her to goe whether shee pleased, doe what she listed, & speake what she would without further questioning of her or those who were bound to returne her to prison, whereby she either was, or might haue benne, as vsefull in her midwifrie as before her censure; but it playnly appeares by her cariage & speeches, & her vrginge others thus still to petition for her, that nothinge but a compleate victory ouer magistracy will satisfie her excessiue pride, which they desire may be weighed by the petitionors & others in an æquall ballance; there beinge so much need to vphold magistracy in theire authoritie, as M^{rs} Tilley in her midwiuery, that so further impunitie may be forborne, & that both magistrats may serue God & the country without discouragment in theire places, and M^{rs} Tilleys friends may at length be pacified. And whereas some of the magistrats haue ben informed, that there be some that thinke & speake that M^{rs} Tilley was not justly fined & imp̄soned by the magistrats, if any such will shew themselues therein, the magistrats are ready to make answer therevnto. *p Curiā.*

 Answ. to Bos-
 ton pet. for
 M^{rs} Tilley.

[Some of the proceedings of the session, commencing on the 22d of May, 1650, and ending on the 19th of June, 1650, are recorded out of chronological order, and hence produce confusion. The date placed at the top of the margin of each page is the last date positively known.]

1650. *At another Session of the Court, the 15th of the Eighth Moth, 1650*

15 October.

THE Deput^s mett at one of the clocke, where was chosen Speaker for the first day of the session, M^r Richard Russell.

Stewards.

M^r Ephraim Child & Mathew Boyce are chosen stewards for the Howse of Dep^{ts} for this session of Court.

Comptrolor.
Speaker.

Cap^t Symon Willard was chosen comptrolour for this session, also Cap^t William Hawthorne Speaker for this session.

Notaryis fees.

It is ordred by this Court & the authoritie thereof, that euery publicke notary in this jurisdiction shall henceforth stand charged from time to time to doe the p^ticulers hereafter mentioned, beinge thereunto required for the p^ticuler fees hereafter expressed, viz^t, for writing —

A pcuration or letter of attorney, twelue pence; for entring the same at large in his booke, if therevnto required, twelue pence.

For copying a bill of exchange, & for a p^test, & atesting the same vnder his hand, two shillings six pence.

For time nessessarily expended abroad in trautils, or otherwise, about p^tests, besids writinge & attestinge vnder his hand, as affore^sd, after the rate of twelue pence an hower.

For writinge, recordinge, & attestinge a cocquet or certificate, twelue pence.

For entringe a bill of exchange & p^test at large in his booke, one shilling six pence.

For a copy of a bill of exchange & p^test, & signing it, two shillings.

For searchinge & declaringe, vpon demaund, any record vnder his custody, three pence.

For all writings exceedinge a page in folio, ouer & aboue the former fees, after the rate of eight pence p page, (for all aboue one page,) contayning 30 or 34 lines in a page, of ordinary sized paper, & 8 or 10 words in a line.

For a coppie of any writinge or record, the same fee as for writinge & attestinge the originall writinge or record thereof.

For the bare pvsinge & attestinge any kind of writinge not hereby specially p^rvided for, six pence.

And it is further ordred by the authoritie afore^sd, that no such officer shall deny or delay, any man desireinge it, the view or coppie of any record, or signinge of any writinge, vppon tender of due fees, as is aboue expressed, on penalty of twenty shillings for euery such default, & shalbe lyable to the p^ty therby damnified by way of action, as in other cases. P Curiā.

Vppon information of some inconveniencies accrued, & more that may accrue, to seuerall psons, in that men take themselues acquitted & free from all legall obligations, in case of appearance in Courts accordinge to the expresse termes of the bond, or, at most, if the princypall there stay till verdict & judgm^t as giuen, which if they be, they may then make away theire estates & absent theire *persons before the twelue houres be expired for grauntinge execution, whereby the pty recoueringe may either be depriued of, or much damaged in, his just rights, it is therefore ordred by this Court & the authority thereof, that henceforth all goods attatched vppon any action shall not be released vppon the appearance of the pty or judgm^t giuen, but shall stand ingaged vntill the judgm^t, or the execution graunted vppon the sd judgm^t, be discharged; nor shall any surty or sureties for appearance in any Court (except in capitall or criminall cases) be released from his or theire bonds vntill the execution as afforeðd be discharged & satisfied, or the princypall pson be surrendered into the hands of the marshall or his deputy, who shall secure him till the judgm^t be discharged, any law, custome, or vseage to the contrary notwithstanding. P Curiā.

1650.

15 October.
Goods attached
engagd.

[*277.]

Explanation of
the law respect-
ing bondsmen.

Vppon information of sundry inconueniencies by the sudden & vnexpected adjournment of Shire Courts, it is ordred by this Court & the authority thereof, that annually, vppon the day of nomination of men for magistrates in euery towne, there shall also be a choyse of some meete psons for associates for each shire, chosen by papers & pvsed in each towne meetinge, & those two y^t haue most votes shalbe signified vnder the constables hand, & deliuered vnto each pson designed to cary the votes for magistrats vnto their meetinge, who, so meet together, shall examine the votes of the seuerall townes, and those two that haue most votes shalbe signified vnder their hands, & p^sented vnto some magistrate in each shire, or to their next Shire Court, by the constable in the towne where they dwell, to take their oath according to law, which sd associates for each shire so chosen & sworne, with one magistrate, shall henceforth duly attend & keepe all & euery the said Shire Courts vppō the seuerall dayes determined by law, that so there be no occasion of complainys of that nature in time to come. P Curiā.

Adjournm^t of
Courts associ-
ats.

Officers to be
chosen; called
associates, for
each shire.

Whereas experience doth shew the inconuenience of takeinge verbal testimonies in Court by reason of many imptinencies in their relations, so that the clarke cannott well make a pfit record thereof, & to puent all mistakes & vngrounded jealousies agaynst the officers, be it hereby enacted & decreed, that henceforth all testimonjes shalbe p^sented in writinge to the Court, either attested before a magistrate, or (if the pty be within ten miles of the Court) to be then attested in Court vppon oath, and the pty for whom such wittnes is

Affidavitts in
writtinge.

1650.

15 October.

[*278.]

brought shall pay vnto the recorder, for fileinge & saffe keepinge of the same, two pence, & for transcribing a copie thereof when it is called for, six pence for euery page, (and so *proportionably thereto,) consistinge of thirty lines; and further, it is hereby ordred, that the foreman of euery jury shall faythfully deliuer vpp all such testimonyes or other writeinges committed to them vnto the recorder or officer of the Court when they giue in their verdicts in any case. P Curiā.

Horses to be
impressed.

Forasmuch as by sad experience we find that the countryes most weighty & nessessary occasions is much neglected & retarded by reason that, in the time of greatest neede, few or no horses are to be impressed & gayned for the vrgent pressinge occaſions of the country, but such as pleads exemption by virtue of their being listed, which this Court is tender of discouraginge, yet findinge it of nessessity to take some such course as the countryes occasions may be seasonably serued, it is therefore ordred, that from henceforth all horses within this jurisdiction, except in the time when they are in their regimentall exercise, or in publicke seruice, for the country, shalbe subject by presse to serue the country in their necessary occasions, as other horses are; pvided, that if any, being listed for seruice, shalbe impressed, to be made vse of by the country, that then euery owner of such horse, so listed, shall haue allowed him two shillings a day; if they are not listed, they shalbe allowed only one shillinge & six pence, any law, vsage, or custome to the contrary notwithstandinge. P Curiā.

Striking of
wiues.

It is ordred by this Court & authority thereof, that no man shall strike his wife, nor any woman her husband, on pennalty of such fine not exceedinge ten pounds for one offence, or such corporall punishment as the Shire Court that hath examination thereof shall determine; & the former law, title Women, is hereby repealed. P Curiā.

Prices of corne.

It is ordred by this Court, that all sorts of corne shalbe ſold in the country rate at these prises followinge: viz^t, wheate & barly at fiue shillings, rye & pease at fower shillings, & Indjan at three shillings p bushell; all merchantable, & all other things payd in the country rate, to be valued by indefrent men, accordinge to the seuerall prises of all sorts of corne aboue mentioned. P Curiā.

Trespas vnder
40^s.

It is ordred, that in all actions of trespasse, where the pence to any Court of the trespasse shalbe ptended to be aboue forty shillings, & yet on the hearinge thereof it shall appeare to come vnder the ſd value, in all such cases the playntife shall loose his action, & pay the defendant cost. P Curiā.

Dauisons an-
swer.

Nicholas Davison, pferinge a petition in the behalfe of M^{rs} Rebecca Cradocke for satisfaction in respect of seuerall sums of money long since disbursed either by her self or husband, receiued this answer from the Court:

That the generality of the account now in the hands of the Court, both of
 receipts & disbursm^{ts}, concerne only p^ticular p^{er}sons or company of merchants
 or vnderakers, & not the gouernment now established, or people in generall,
 who were neuer concerned therein, nor had euer any such engagment *vpon
 them as the account mentions, & therefore not responsible for the debt de-
 manded, as may appeare in the Court booke, by sefall orders about transfer-
 ringe y^e gouernment & manninge of the joynt stocke, which was sould to p^ticu-
 lular p^{er}sons vpon their owne account, as by the s^d booke of orders may
 appeare, in the 9th moth, 1629; & the Court doe therefore order, that the pe-
 titioner shall haue M^r Cradocks accounts deliued to him agayne, accordinge to
 his desire exprest in his petition. P Curiā.

1650.

15 October.

[*279.]

M^{rs} Susanna Haugh p^{re}feringe a petition to this Court, which sheweth
 that her late husband left vnto her, by his will, a howse at Boston, very much
 out of repayre, which the law p^{ro}vides must be repayred & mayntayned, the
 petition^r desireinge the Courts resolution, whether the law intends it must
 be done out of her s^d husbands estate or her owne, receiued this answer: The
 Court determine that the petitiono^r is to take the s^d howse as now it is, ac-
 cording to the will of her s^d husband. p Curiā.

M^{rs} Haughs
answer.

Whereas Mary Lowle, the daughter of John Lowle, late of Newbery,
 deceased, about seuteene yeares of age, is desireous to transport her selfe
 vnto England, to some neere friends of hers, from whom she receiued her ed-
 ucation, & doth expect further fauour & benefitt in sundry respects, but not
 hauinge at p^{re}sent to defray the charge thereof, hath p^{er}sonally & otherwise
 made request to this Court, that a legacy of ten pounds, due vnto her from
 Richard Lowle, her vncle, either at the age of 21 yeares or a^s this Court
 shall determine, may be payd vnto her, & her s^d vncle discharged thereof,
 this Court, vpon considera^{ti}oⁿ of the p^{ro}mises, doe graunt & order that the s^d
 legacy of ten pounds be p^{ro}uid to y^e s^d Mary Lowle, & doe hereby discharge the
 s^d Richard Lowle vpon the payment thereof to her or her assignes.
 P Curiā.

Mary Lowles
answer.

Mary Mansfeild, of Charlstowne, p^{re}feringe a petition, in which she
 desires her husband may haue libtie to sue certayne debtors in formâ pauperis,
 receiued this answer: That the law hath already p^{ro}uided for the petition^r in re-
 spect of what she desires, to which the Court thinks meet to refer her.

Mansfeilds an-
swer.

In answer to the petition of Stephen Forsdicke for remittinge of his
 bond of forty pound, for non appearance at a Court, it is ordred, that he should
 haue five & thirty abated, so it be only wth respect to his non appearance,
 p^{ro}uided he be bound to answer for his fault at the next Court of Assistants.
 P Curiā.

Forsdicks an-
swer.
S. Forsdicke.

1650.

15 October.
Palmer's an-
swer.

William Palmer pferinge a petition to be diuorced from his wife, Elnor, now in England & married to another man, the Court hauing pvsed his euidence, judge meete, & therefore doe declare hereby, that the sd Palmor is legally diuorced. P Curiā.

Sudbery's an-
swer.

[*280.]

The inhabitants of Sudbury pfering a petition for some men to be deput-ed to lay out the bounds *betweene Watertowne & them, in answer to theire desires, it is ordred, that Captayne Willard, Captayne Lusher, & M^r Edward Jackson shalbe commission^{es} to settle the bounds between them, & for theire assistance therein doe further order, that Leiu^e Fisher shalbe peured to lay it out according as it hath ben graunted by this Court, & that it be done before the tenth moth next, & returne made of what is done by them to the next Generall Court, & that Cap^t Willard shall giue notice to the seuerall psons concernd, to meete together in convenient time. P Curiā.

Truslers an-
swer.

Thomas Truslar, clarke of the market at Salem, for neglect of his office, was lyable to a pennalty, as in that law is expressed; on his petition hath his fine remitted. P Curiā.

Bakers answer.

John Baker, of Ipswich, p^resenting a petition, wherein he desires he may haue bills signed by the Treasurer, for the payment of seuerall sumes due to him from the country, to the value of 30^{li} & vpwards, as also to haue for the forbearance of a former debt dew to him from the country; in answer to his p^ret, it is ordred, that his mony, mentioned in his petition, be payd him out of this leuie, as also that he be allowed for his disapoyntments forty shillings, but nothing with respect to forbearance, to which himself did also agree. P Curiā.

Hughes answer.

Purnell Hughes, of Lin, beinge vnder the pennalty of the law for selling of strong water wthout license, vppon her petition hath her fine remitted. P Curiā.

P^residents an-
swer.

M^r Dunster, pferinge a petition for money due from the country to the colledge, as also for redresse in respect of the rent of Charles Towne fferry, receiued this answer: That the Treasurer is hereby ordred to pay the p^resident of the colledge the sume of one hundred pounds, with two yeares forbearance for what is past, as also for the time to come vntill it be payd, which shalbe out of the next leuy, that so the ends p^rposed may be accomplished; & for the ferry of Charlstowne, when the lease is expired, it shalbe in the lib^tie & power of the p^resident, in behalfe & for behoofe of the colledge, to dispose of the sd ferry, by lease or otherwise, makeinge the best & most aduantage thereof, to his owne content, so as those to whom he dispose it vnto p^rforme the seruice, & keepe suffieyent boates for the vse thereof, as the order of Court requires. P Curiā.

This Court, haueinge had the sight of a booke, lately printed vnder the name of William Pinchon, in New England, gen^t, & judginge it meete, doe therefore order, first, that a ptest be drawne fully & clearly to satisfy all men that this Court is so farre from approuinge the same as that they doe vtterly dislike it & detest it as erronious & dangerous. 2^y. That it be suffyciently answered by one of the reticnd elders. 3^y. That the s^d William Pinchon be summoned to appeare before the next Generall Court, to answer for the same. 4^y. That the s^d booke now brought **brought* ouer be burnt by the execution^r, (or such other as shalbe appoynted therevnto, pvided the pty appoynted be willinge,) & that in the market place in Boston, on the morrow, imediately after the lecture. P Curiā.

1650.

19 October.

Pinchous
booke cen-
sured.Contradicent:
Cap: Hathorne,
Mr Jos: Hills,
Mr Henry Bar-
tholmew,
Lieut. Walker,
Mr Hollyoke,
Ste: Kinsley.

[*281.]

The declaration, & ptestation of the Generall Court of the Massachusetts, in
New England.

Courts declara-
tion.

16 October

The Generall Court, now sittinge at Boston, in New England, this sixteenth of October, 1650. There was brought to o^r hands a booke written, as was therein subscribed, b William Pinchon, gen^t, in New England, entituled The Meritorious Price of o^r Redemption, Justificatiō, &c, clearinge it from some common Errors, &c, which booke, brought ouer hither by a shippe a few dayes since, and contayninge many errors & heresies generally condemned by all orthodox writers that we haue met with, we haue judged it meete and necessary, for vindicatiō of the truth, so far as in vs lyes, as also to keepe & pserue the people here committed to o^r care & trust in the true knowledge & fayth of o^r Lord Jesus Christ, & of o^r owne redemption by him, as likewise for the clearinge of o^r selues to o^r Christian brethren & others in England, (where this booke was printed & is dispersed,) hereby to ptest o^r innocency, as being neither partyes nor priuy to the writinge, composinge, printinge, nor diuulginge thereof; but that, on the contrary, we detest & abhorre many of the opinions & assertions therein as false, eronyous, & heretical; yea, & whatsoeue^r is contayned in the s^d booke which are contrary to the Scriptures of the Old & New Testament, & the generall received doctrine of the orthodox churches extant since the time of the last & best reformation, & for proffe & euidence of o^r sincere & playne meaninge therein, we doe hereby condemne the s^d booke to be burned in the market place, at Boston, by the common execution^r, & doe purpose with all convenient speede to convent the s^d William Pinchon before *authority, to find out whether the s^d William Pinchon will owne the s^d booke as his or not; which if he doth, we purpose (Gd willinge) to pceede with him accordinge to his demerits, vnles he retract the same, and giue full satisfaction both here & by some second writinge, to

1650.

16 October.

be printed & dispersed in England; all which we thought needfull, for the reasons aboue aleged, to make knowne by this short ptestation & declaration. Also we further purpose, with what convenient speede we may, to appoynt some fitt pson to make a p̄ticular answer to all materiall & controuersyall passages in the s̄d booke, & to publish the same in print, that so the errors & falsities therein may be fully discouēd, the truth cleared, & the minds of those that loue & seeke after truth confirmed therein. P Curiā.

Booke answered.

It is agreed vppon by the whole Court, that M^r Norton, one of the refūend elders of Ipswich, should be intreated to answer M^r Pinchons booke with all convenient speed.

[*282.]

Declaration signed.

Its ordred, that the foregoing declaration, concerninge *concerninge the booke subscribed by the name of William Pinchon, in New England, gen^r, should be signed by the secretary, & sent into England to be printed there. P Curiā.

Pinchons summons.

It is ordred, that M^r William Pinchon shalbe summond to appeare before the next Generall Court of Election, on the first day of theire sittinge, to giue his answer for the booke printed & published vnder the name of William Pinchon, in New England, gen^r, entitled The Meritorious Price of o^r Redemption, Justificā, &c, & not to depart without leaue from the Court. P Curiā.

Letters answered.

This Court hauinge receiued seuerall lres from M^r William Bradford, Gofinor of Plymouth, from M^r Nič Easton, p̄sident on Road Iland, & from William Arnold, all which haue referance vnto the resignation of Showamett & the iurisdic^t thereof, in answer wherevnto this Court is willinge to reassigne it to Plymouth, according to the commissionors aduice; & doe order that letters may be written to Roade Iland, that they for beare all acts of iurisdiction, and, in the meane time, that William Arnold, & the rest of the English & Indians there, be sent vnto with all conuenient speed, to consent to submit themselues to Plymouth iurisdic^t, on condition that Plymouth p̄tect them, & pforme the engagment of this Court vnto them. P Curiā.

Allens answer.

Margrett Allen, late wife of Edward Lambe, p̄ferringe a petitiō to this Court to be enabled, either by her selfe or her husband, to make a firme deede of sale of a certayne howse vnto one Thomas Boyden, for the supply of her p̄sent necessitie, receiued this answer: That this Court doth order, that an administration be graunted to the estate of Edward Lambe vnto Samuel Allen, & also power to confirme the sale of the mentioned howse to the s̄d Thomas Boyden, according to her desire. P Curiā.

Jacksons answer.

Edmund Jackson & Mehetable Gallop p̄fering a petition to the Court for power to make sale of either all or a p̄t of Hingham mill, for the vse & behoofe

of the wife of Thomas Joy, & her children, who are now in great want, & made oñ for her mayntenance, reñ this answer from the Court; that is to say, they are hereby impowered to sell the whole mill, or a pñt, as is desired, as also to be reñ in formā pauperis. P Curiā. 1650.
16 October.

Hugh Calkin, a member of the Howse of Deputyes, vppon his vrgent & extraordinary occasions, is dismiss from attendance the seruice of the Court. P Curiā. Calkin dismiss.

Whereas M^r John Tompson, by vertue of an order from the Generall Court, was attatched, & gaue bond to answer at this Court the complaynt of M^r Thomas Jones & M^r John Wiswall, in the behalfe of the schole of Dorchester, respectinge the iland called Tompsons Iland, & the title therevnto, the Court, after a full hearing of the case, & all the euidences on both sids, found for the defendant, & allowed him his bill of costs to the value of 3^{li} 7^s 6^d. Tompsons trial.

*Vppon the request of Richard Champnyes & Goulden More, & Joane, his wife, the relict of John Champnyes, deceased, for power to dispose, by way of sale, of a certayne howse & lands, left her by her sñ late husband, it is ordred, that power be hereby giuen to Richard Champnyes & John Bridge, of Cambridge, to make sale of the sñ howse & lands mentiond in theire petition, pvided that they giue caution to the County Court of that shire to dispose of it to vse & behoofe of the woman & her children, according to the intent of John Champnyes, deceased. P Curiā. [*283.]
Champnys answer.

Edmund Yeomans, of Charlstowne, being fined fīue pounds for selling of beere without licence, vppon his request in his petition, & for reasons therein aleaged, hath his fine remitted, pvided he pay 10^s for entring of his petition. P Curiā. Yeomans answer.

M^{rs} Elizabeth Cole, of Boston, being visited with a longe & sore sicknes, & hauing spent all her estate, & hath nothinge left to mayntayne her, vppon her desire exprest in her pñtion, this Court doth order the Treasurer to pay her twenty pounds out of the country rate. P Curiā. M^{rs} Coles answer.

In answer to the petitiō of the inhabitants of Topsfeild, it is ordred by this Court, that from henceforth thē shalbe a towne, & haue power within themselues to order all ciuill affayres, as other townes haue. P Curiā. Topsfeild answered.

Vppon the petition of Margery Osgood, of Ipswich, widdow, for an order from this Court for a greater pportion in the estate of her late husband, deceased, then by will is giuen to her, it is ordered, that the mannaging of the whole busines concerning the estañ shalbe referd vnto M^r Samuel Symonds, Majo^r Denison, & M^r Joh Norton, & to put an issue therevnto, keeping as neere vnto the will of the sñ Osgood as may be. P Curiā. Margery Osgoods answer.

1650.

16 October.
Torreyes answer.

In answer to the petition of William Torrey for the graunt of an iland in the bay, called Slatt Iland, it is ordred, y^t the sd iland shalbe, & hereby is, graunted to him; in consideration whereof the petition^r is to enter the orders of two or three Courts not yet entred in the Deput^s booke of record, & that in one yeare now next cominge, & pfit the sd booke so far as he can, pvided the iland be not expresly graunted to any other; pvided also, that it shalbe free for any man to make vse of the staf. P Curiā.

Phillipps answer.

In answer to the petition of Zachary Phillipps for his pportion in the right of his wife (being the daughter of William Skipper, deceased) in her farthers estate, who dyed intestate, this Court doth order, that power of administratⁿ be graunted to M^r Cotten & M^r Cobbet for the disposing of the estate aboue mentioned. P Curiā.

Waymouths answer.

Vppon the request of the inhabitants of the towne of Way:, William Torrey is appoynted to be clerke of the writs there. P Curiā.

Vintners committee.

[*284.]
Treasurer to call in money due for excise.

There beinge a necessity of some man to be apoynted that may gather in & call vppon such as haue had licences to sell wine to make satisfaction for what is dew to the country with respect therevnto, *this Court doth therefore order, and power is hereby giuen to the p^sent Treasurer to call vppon such as are yet behind, & to recouer what is due from them; & for the time to come, further power is hereby giuen vnto M^r Richard Russell, M^r Anthony Stoddard, & M^r Frauncis Norton, or to any two of them, to be a standing committee to make composition with any of the vintners within this jurisdiction (in the behalfe of the country) that shall p^sent themselves, vntill the Court shall take further order therein. P Curiā.

Pson repayed.

It is ordered by this Court & the authority hereof, that M^r Anthony Stoddard & the suruey^r generall shalbe, & hereby are, empowered to agree & compound with any man, or men, suffyciently to amend & repayre the pson, & to doe whatsoever is requisite thereabout, and that pay^{mt} be made for what shalbe expended thereabouts, & in the effecting thereof, out of the country rate of Boston. P Curiā.

Treasurers warrant.

To the Treasurer these: This Court hath ordered, that these two Narragansett Indians p^sent should haue two coates giuen them for their paynes, which I am appoynted to signify to you, that it be forthwith done. P totā Curiā. 19th, 8th, 1650. P Edward Rawson, Secre^t.

19 October.
Souldiers wages.

This Court, considering the good seruice of Cap^t Humphry Atherton, a sargent, with twenty souldiers, & two men that wayted on the horse in the expedition to the Narragansitt, judge it meete to allow the sajd cap^t for his paynes ten pounds; the sergeant, fifty shillings; the twenty men, besides theire dyet for fiftene dayes, two shillings a day a peece, which is thirty

pounds; & for the two men which attended the horse, one shilling six pence a day, which comes to forty five shillings, & all to be payd them out of the peage at six a penny. P Curiã. 1650.
19 October.

For resolution of a question pponed to this, viz^t: whether, if seuerall men remoue from one plantation to another, such psons so remouing may challenge an intrest in the stocke of powder & other amūnition by law to be pvided in euery towne, & to haue theire pportion out of the same. Resolued negatiuely. P Curiã. Question resolved.

This Court, findinge, vpon the returne of the comitteē for the Treasurer & audito's acc^t, that the country is indebted to the Treasurer the sume of 38^{li} 15^s 7^d, & that there is due to the country the sume of 124^{li} 10^s 8^d, as by the p̄ticulers hereafter mentioned *do* doth appeare, in consideraçō of the good seruice of M^r Richard Russell in the place of Treasurer for about five yeares past, & some losse in goods taken for fines, & not put to account, doe order that the s^d M^r Russell shall recouer & receiue to his owne pper vse the s^d hundred twenty fower pounds ten shilling eight pence, *aquitinge the country of the thirty eyght pounds fiteene shillings seuen pence, viz^t, the ouerplus of y^e thirty eyght pounds fiteene shillings seuen pence, being 85^{li} 15^s 1^d. Treasurers gratuity.

[*285.]

The p̄ticulers are —

By customs in seuerall hands,	04 ^{li} 10 ^s 00 ^d
By John Baker, of Ipswich,	05 00 00
By Robert Nash,	01 10 00
By Frauncis Smyth, deceased,	01 00 00
By Douer,	03 10 00
By M ^r Dunbars fine,	13 06 04
By M ^r Palsgraue, of Charlstowne,	02 00 00
By aphending Indjans,	00 12 00
By Samuel Davis & hostages,	02 04 09
By one bill from Hampton,	01 00 00
By M ^r John Winthrop, a p̄t of Docto ^r Childs fine,	40 00 00
By M ^r Sherman,	34 00 00
By Heaty,	01 16 00
By arest on Manchester,	01 15 00
By p̄t of Andoū rate	05 16 05
By Joh Hawthorne,	03 00 00
By M ^r Rucke,	01 07 00
By M ^r Lake,	02 03 02
Sum̄ to ^t	124 ^{li} 10 ^s 08 ^d

1651. **At a Generall Courte of Election, held at Boston, the 7th of the*
3^d Moth, 1651.

7 May.

[*286.]

Where was chosen

John Endecotte, Esq^r, Gouvernour.

Thomas Dudley, Esq^r, Dep^t Gouverno^r.

Asistants: Richard Bellingham, Esq^r,
 Increase Nowell, Gent,
 Symon Bradstreete, Gent,
 Samuel Symonds, Gent,
 William Hibbens, Gent,
 Thomas Flynt, Gent,
 Cap^t Rob^t Bridges, Gent,
 Frauncis Willoby, Gent,
 Thomas Wiggan, Gent,
 Edward Gibbons, Esq^r, Major Generall.

Symon Bradstreet and }
 Cap^t W^m Hawthorne, } Gent, Com^{is}sionors for the colony.

Richard Bellingham, Esq^r, }
 Major Daniel Denison, } Reserue Com^{is}sionors.

Edward Rawson, Gent, chosen Secritary.

Richard Russell, Gent, chosen Treasurer.

The names of the Deputyes of the seuerall townes:—

Salem: Cap^t W^m Hawthorne, M^r Henry Bartholomew.

Charlstowne: M^r Richard Russell, Ralph Mowsall.

Dorchester: M^r John Glover, Cap^t Humphry Atherton.

Boston: Cap^t John Leuerett, M^r Thomas Clarke.

Roxbury: John Johnson, William Parkes.

Watertowne: M^r Richard Browne, John Sherman.

Lin: M^r Thomas Layton.

Cambridge: Cap^t Danyel Guggan, M^r Edward Jackson.

Ipswitch: Major Daniel Denison, M^r John Whiple.

Newbery: Cap^t William Gerrish.

Waymouth: John Holbrooke.

Hingham: Cap^t Bozoone Allen, M^r Jerimiah Howchen.

Concord: Cap^t Symon Willard, M^r Richard Griffen.

Dedham: Cap^t Eleazer Lusher, Henry Chickeringe.

Salsbury: M^r Thomas Bradbury.

Hampton: Roger Shaw.

Rowley: Maximilian Jewet, Joseph Jewet.

Brauntry: Cap^t W^m Tynge, Steuen Kinsley.

Sudbury: Walter Haynes.
 Gloucester: Hugh Caulkin.
 Wooburne: Cap^t Edward Johnson.
 Wenham: Esdras Reede.
 Haverhill: M^r Rob^t Clements.
 Readinge: William Cowdry.
 Springfield: M^r Henry Smyth.
 Mauldon: M^r Joseph Hills.
 Andeuer: John Osgood.

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7 May.

Cap^t Daniel Gookin chosen Speaker for the first session.

W^m Torrey chosen Clarke to the Howse of Depu^{ts} for this yeare ensuinge.

*Joseph Jewet & William Parkes were chosen Stewards for the Howse of Depu^{ts} for this session of Court. [*287.]

Edward Micheson is appoynted to attend the Howse of Depu^{ts} for this p^{re}sent session.

TO the end that all publicke charges may be æqually borne, & that some may not be eased & others burdened, & it beinge found by experience that visible estates in land, corne, cattle, are, accordinge to order, wholly & fully taxed, but the estates of marchants, in the hands of neibours, straungers, or their fact^{rs}, are not so obuius to view, but, vpon search, little of their estates doe appeare, beinge of great valew, so that the law doth not reach them by that rule of taxing visible estates, it is therfor ordred & enacted by this Court & the authority thereof, that all marchants, shopkeeps, & factors shalbe assessed by the rule of o^r common estimation, accordinge to the will & dome of the assesso^{rs} in such cases appoynted, havinge regard to their stocke & estate, be it p^{re}sented to view or not, in whose hands soeuer it be, that such great estates as come yearly into the country may beare their p^{ro}portion in publicke charges, yet, if any fynd themselves ouer valued, if they can make it to appeare to the assesso^{rs}, they are to be eased by them; if not, by the next County Courte. P Curiā.

Assessm^{ts} certified.
 Contradicentes: Cap^t.
 Leneritt, M^r
 Clarke, M^r
 Howchen, M^r
 Glouer, Hugh
 Caulkin, Cap^t.
 Allen, Cap^t.
 Hawthorne,
 Joseph Jewet,
 Maxi: Jewet,
 Cap^t. Gookin.

This Court, takeinge into consideratiō the many engagm^{ts} that ly vpon vs in respect of debts due to be payd to seuerall p^{er}sons from the country, as also other necessary vnauoydable expences that are like to fall out this yeare, doe order that for those ends & purposes aboue mentioⁿ, there shalbe leuyed this yeare ensuinge one rate & a halfe, viz^t, halfe as much more as in other yeares to be leuyed, & payd in after the vsuall manner p^{ro}vided by law. P Curiā.

Country rate augmented.

Whereas it is found by experience that it is an ordynary thinge for p^{er}tyes to appeale from the sentence of inferior Courts, though they neuer intend to

Appeales certified.

1651.

7 May.

psecute the same, but to stop execution for the p̄sent, & to obtayne such termes of agreement as they desire; now, forasmuch as euery appeale doth reflect p̄judice & charge error vpon the Court appealed from, vnder which it lyes till the case be heard & determined by the Court appealed to, it is therefore hereby ordred, that whosoever shall, after the nyynth of July next, appeale from the sentence of any Courte, & not psecute the same to effect accordinge to law, shall, besides his bond to the p̄ty, forfeit to the country the sume of forty shillings for euery such neglect. P̄ Curiā.

Associats.

The order made the last yeare about associates respectinge the two countyes of Suffolke & Middlesex is hereby ordred to cease & to be of no vse vntill [*288.] the next session of this Court, any law, custome, or vseage to the contrary, in any wise, notwithstandinge, & that such as haue taken their oathes are declared hereby to be freed therefrom.

Inheritances
past away, or-
der respecting.

Whereas, in suits of law, many times, such as doe psecute the same in their owne names, in p̄cureinge the proces, intend & doe declare in the name & in the behalfe of others, viz^t, as executo^{rs}, administrato^{rs}, assignes, attorneyes, guardians, agents, or the like, which is not only improper, but tendeth also to vncertaynty, for p̄vention whereof the Courte ordreth that, from henceforth, the originall p̄cesse, whether summons or attachm^{ts}, shall expresse in whose name the playntife sueth, whether in his owne name or as executo^r of the last will & testament of such a man, or administrato^r of the goods & chattles of such a man, who dyed intestate, or assignee, attorney, or guardian of such a man, or as agent of such a man, marchant, or the like, or otherwise; if exception be taken before the playntife hath made his declaration, it shalbe good, & he shalbe lyable to pay costs; and whereas, through the vnskilfullnes of some that make deeds & conveyances of lands & howses, the word heire is oftentimes omitted when an estate of inheritance is intended to be passed by the p̄tyes, wherevpon questiones & suits of law are apt to arise, for p̄vention whereof, for the time to come, this Court ordreth that, in all deeds & conveyances of howses & lands in this jurisdiction, wherein an estate of inheritance is to passe, it shalbe expressed in these words, or to the like effect, viz^t: to haue and to hold the 3d howse or lands respectiely to the p̄ty or graunttee, his heires & assignes, for euer; or, if it be an estate intayld, then to haue & to hold, &c, to the p̄ty or graunttee, & to the heires of his body lawfully begotten, or to the heires male of his body lawfully begotten betweene him & such a one his wife; or to haue & to hold to the graunttee for terme of life, or for so many yeares; p̄vided, that this law shall not include former deeds or conveyances, but to leaue them in the same condition they were in, or shalbe in, before this law taketh effect, which shalbe at the end of the next session of this Courte;

provided also, y^t this law shall not extend to any howses or lands giuē by will or testam^t, or to any land graunted, or to be graunted, by the freemen of a towne; & this law being of concernment to be vnderstood of euery man, there shalbe speciall care for the publicacō thereof, & to that end it shallbe distinctly read by the constable of each towne, in their next towne meetinge, after the end of the fift moth next; also, a copie thereof shalbe set vpon the dore of their meeting howse, to contynue foorteene dayes, and the ground jury shall inquire & p^sent such as shall neglect the publicatiō thereof accordinge to this order. P Curiam.

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7 May.

*For p^rventinge the deceit of any pson in the packing of fish, beefe, & porke, to be put to sale in this & other jurisdictions, it is therefore ordred by this Court & the authority thereof, that in euery towne wthin this jurisdiction where any such goods are packt vp for sale, the gager of that towne, or of the towne wherein it is put to sale or shipt, shall see y^t it be well & orderly p^rformed; (that is to say,) beefe & porke the whole halfe or quarter together, & so p^rportionably, that the best be not left out, and for fish that they be packt all of one kinde, & that all caske so packt be full, sound, & well seasoned, settinge his seale on all caske so packt, for which he shall receiue fower shillings p tunne; but if the gager doe only view them, & find them good & suffycient, he shall set his seale vpon them, & haue one shillinge p tunne for so doinge. And if such goods so packt shalbe put to sale packt vp in caske without the gagers marke, he shall forfeit the sd goods so put to sale, the one halfe to the informer, the other halfe to the country treasury. And whereas, notwthstandinge the former law p^rvided, (title Caske & Coops, pag. 6,) much damage is still sustayned by m^rchants & men of trade through the insufficiency & vndue assize of caske, it is therefore further ordred by the authority of this Courte, that wheresoeuer any new caske are found put to sale, beinge defectiue either in workmanshippe, timber, or assize, as in that law is p^rvided, vpon due proffe before one magistrate, the sd caske shalbe forfeited to the informer, & the workman for his default shall pay ten shillings p tunne forthwith to the vse of the country, & so p^rportionably for all greater or lesser caske; & because there may be no neglect in the choyce of a gager to p^rvent the abuses exprest in this or any other law, it is further ordred by the authority affores^d, that euery towne within this jurisdiction, wherein any caske are made, shall yearly make choyce of one fit man for that worke & employment, who, being p^rsented by the constable, wthin one weeke after the choyce made, before any one magistrate, shall there take the oath belongin to his place, which if he shall refuse, he shall pay the some of forty shillings, & another to be chosen in his roome; as also the towne or constable shall either

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Packinge of
goods.Beef and pork
put up.Inspectors
fees.

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[*290.]
Dauncinge
phibited.

Castle col-
oures.

Change of
Court dayes.
Essex county.

22 May.
Trade phibited
with Barba-
does, Virginia,
Bermudas, &
Antigua.

Commissioners
allowance to
have any neces-
sary supplies.

of them suffer the like pœnalty for the neglect of this order, any other law, custome, or vseage to y^e contrary in any wise notwithstanding. P Curiam.

*Whereas it is obserued that there are many abuses & disorders by dauncinge in ordinaryes, whether mixt or vumixt, vpon mariage of some psons, this Court doth order, that hence forward there shalbe no dauncinge vppor. such occasion, or at other times, in ordinaryes, vppon the paine of fiue shillings for euery pson that shall so daunce in ordinarys. P Curiam.

Forasmuch as this Courte conceiues the old English colours now vsed by the Pliament of England to be a necessary badge of distinction betwext the English & other nations in all places of the world, till the state of England shall alter the same, which we much desire, we being of the same nation, hath therefore ordred, that the cap^t of the Castle shall pœntly aduance the afforesd colours of England vppon the Castle vppon all necessary occasions.

Whereas the County Courte of Essex vsually beinge kept at Salem on the last third day in euery December hitherto, which by experience hath ben found to troublesome & dangerous for the magistrats & country to attend in regard of the season, it is now ordred, that the County Court in Essex, for the winter Court, shall henceforth be yearly kept on the last third day in November. P Curia.

Whereas this Courte hath taken notice of an act of the Pliament of England, bearinge date October 3^d, 1650, phibitinge trade with Barbados, Virginia, Bermudas, and Antego, it is therefore ordred by this Court & authority thereof, that after publication hereof, no cap^t, co^maunder, master of shippe, or other vessell sayling from any port or harbour within this jurisdiction, shall trade with any the sd phibited places of Barbados, Virginia, Bermudas, or Antego, on pœnalty of forfeiture of shippe & goods vnto this common wealth vppon legall proffe & conviction thereof, this order to be pœntly published by pœclamation & postinge vpp in Boston, Charlstowne, & Salem, & to be of force vntill the compliyanse of the afforesd places of Barbados, Virginia, Bermudas, & Antego with the common wealth of England, or that this Court take further order therein. P Curiam.

To the end o^r co^missiono^rs for the Vnited Colonyes may be conveniently supplied with horses, attendants, & all other things necessary at such times as they shall have occasion of travill vnto Plymouth, Conecticott, & Newhauen, and that troopers may not be discouraged from y^t so behooffull & beneficiall service, it is ordred by this Court & the authority thereof, that henceforth o^r co^missiono^rs for the Vnited Colonyes shall pvide & furnish themselves in all respects whatsoeuer, viz^t, of horse, furniture, attendants, & all other thinges to their owne satisfaction for travill & expenses afforesd, for which

they shall be allowed annually by the country twenty pounds to each comissioner, viz^t, forty pounds a yeare, for all their expences, time, & travill in & accompanyinge such their service affords, & the late order now at the presse for the impressinge of troopers horses is hereby repealed. P Curiā.

*For explanation of some words in the printed law intituled Leather, viz^t, in that section in the margent intituled Searchers sworne—their Duty, by the words (line 4th) to make search & view within the precincts of their limits, the Court doth vnderstand & intend any house, shoppe, or ware howse, or any other place where they conceiue leather illegally deliuered is like to be found, whether wrought into shoes, bootes, or otherwise. Further, concerninge those words in the section on y^e margent entytuled Welt, tanned & dried, Pænalty, (line the fift,) so much of his or their sd leather, &c, the Court doth declare themselves to intend that whole hyde, halfe hide, or other peece or peeces of lether which are or wherein is one sixteenth pt insuffyciently wrought. Further, concerninge the last words in y^t section, intituled Tryers of Leather seized, viz^t, except the pty shall before submit to their judgm^{ts}, the Court determines to be ment the submission to the judgments of the searchers before the fower or six men be called. Further, the Court doth declare that the searchers of leather, legally chosen & sworne as the sd law doth expresse, not only may execute their office, but by their oathes & duty are bound therevnto. And it is also hereby pvided, that neither searchers, sealers, nor tanners shall cut or mangle leather in or vpon the searchinge thereof more then is necessary.

Whereas M^r Eliott vndertooke to procure to the country ten shillings from an Indjan for his beinge drunke, which Indian since is dead, the Court therefore thinkes meete to release M^r Eliott from his engagm^t.

In answer to the petition of the executo^{rs} of M^r Thō Sheapheard, late of Cambridge, for the confirmation of a deed bearinge date the twenty-eighth of the eleuenth last past, wherein is conveyed to M^r Jonathan Michell, now husband of Margrett, the relict of the sd M^r Sheapheard, a dwellinge howse, yards, orchards, & seven acors of land adjoyninge therevnto, in behalfe of his sd wife, as also for power to sell a pcell of land called Jones his Hill, the Courte thinkes meete to graunt their request so as they giue security to the next County Court at Cambridge for the educatinge of the children, & payinge them their portions at the time when they shall atayne to their ages, as the will pvids. P Curiā.

Captayne Willard & Leiu^t Goodenow are appoynted to lay out the thousand acors of land at Isabæth, which Jethrow the Indian morgaged to Hermon Garret, which land by this Court is graunted to Watertowne to purchase

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Law explynd.
Law formerly
made on leath-
er explained.

Ans: to M^r
Eliots request.

Ans: to M^r
Sheaph: execu-
tors.

Garrets
answer.

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Clarke of writs
for Boston.

of Hermon Garret; & in case the towne aforeſd *refuſe it, then Joh Sherman hath the like grant, pvided it be done within one moneth, in which time if they doe not purchase it, then the land to be graunted to Hermon Garret, according to his deſire in his petition. P Curiā.

Its ordred, that the towne of Boston ſhall haue libtie to chooſe a new clarke of the writts, & pſent him to the County Court after the next ſeſſion of this Court, at Boston, for confirmation. P Curiā.

Answ: to M^r
Parker, & ſ.
M^{rs} Winthrop
to have 8 p^r
cent.

In answer to the petition of Richard Parker & James Pen, its ordred, that the Treasurer ſhall pay M^{rs} Winthrop after eight pound p cent. for the two hundred pounds giuen to the youngest child of Joh Winthrop, Eſq^r, for the time paſt, & till the country ſhall pay it in. P Curiā.

Gayners an-
ſwer.

In answer to the petition of Thomas Gayner, its ordred, that M^r Aspinwall & M^r Bendall ſhall giue in theire accountps & ſhew the grounds of theire actings in ſale of the ſhippe Planter, vpon theire oathes to the County Court, that is now on adjournment. P Curiā.

Gayners an-
ſwer.

In answer to another petition of Thomas Gayner, for the makinge good of his charter p^t, it is ordred, that the ſd charter p^t, formerly cancelled, ſhalbe accompted good in law, ſo farre forth as the petitiono^r, by vertue thereof, may review his action agaynſt M^r Vallentine Hill, & Cap^t W^m Tynge. P Curiā.

Cap^t Haw-
thornes grati-
tie.

This Court, conſidering the good ſervice of Cap^t W^m Hathorne vnto this country in ſundry reſpects, thinke meete, in answer to his petition, to graunt vnto him fower hundred acors of land, adjoyninge or neere vnto M^r Downinges 600 acors of land, betweene Hampton & the riuers mouth of Pascataq, to be layd out at the charge of the ſd Cap^t Hawthorne, by M^r W^m Howard, of Topsfeild, & Roger Shaw, of Hampton, pvided it fruſtrat not any former graunt, nor pjudice any townſhippe or village that may be erected. P Curiā.

Answ: to El-
bridge.

In answer to the petition of M^r Thomas Elbridge, for the hearinge of a caſe dependinge betweene himſelfe & the adminiſtrato^{rs} of M^r Rob^t Saltingſtall, deceased, it is declared, that the petitiono^r hath libty to bringe his action of reveiue agaynſt the adminiſtrato^{rs} of M^r Rob^t Saltingſtall, as in other caſes.

It is ordred by this Court, that M^r Samuel Symons & M^r Thomas Wigan ſhall haue power, & are hereby deſired, to keepe the County Courts of Norfolk for this yeare enſuinge. P Curiam.

Gouernors gra-
tuitie.

This Courte doth with all thankfullnes acknowledge the good ſervice of Thomas Dudley, Eſq^r, o^r late honourd Gou^{no}r, in reſpect of his great care & faythfullnes in the diſcharge of that truſt which was *committed vnto him, & doe, in the behalfe of the country, render him hartly thanks for the ſame, and deſire his kinde acceptance of one hundred markes as a ſlender manifeſtation

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of o^r due respects vnto him, vntill we shalbe better enabled to declare the same, which we order shalbe payd him by the Treasurer out of the next country leuy. P Curia.

1651.

22 May.

Whereas M^r Richard Leader, an inhabitant in this common wealth, hath ben acused, that, contrary to the law of God & the lawes here established, he hath threatned, & in a high degree reproached & slaundred, the Courts, magistrates, & gouernment of this common weale, & defamed the towne & church of Lin, also affronted & reproached the constable in the execution of his office, all which the Court hauinge heard, together with evidences prouinge the same, doe judge, for punishment of his great offence, that he shall make acknowledgment of his offence vnto the Court before the breakinge vp hereof, when this Court shall appoynt, & also giue sufficyent security for his good abearinge hereafter, & be fined the sune of fifty pounds, to be payd before the next session of this Court, towards y^e defrayinge of the charge expended by the country in hearinge the case; but in case M^r Leaders acknowledgment doth not answer the expectation of the Court in way of satisfaction for his offence, that then this Court doth order, that M^r Leader shall pay to the publicke treasury, as a fine for his offences, the some of two hundred pounds, to be payd before the next session of this Courte. P Curia.

M^r Leaders
sentence.

And further, it is ordred by this Courte, that whatsoeuer fine hath ben imposed vppon M^r Richard Leader by this Court, for his miscariages, shalbe secured by band or otherwise, & in the meane time that his pson be responsall for the fine. P Curia.

His fine se-
cured.

Whereas there is certayne testimonyes in writinge exhibited agaynst me to the Generall Court, acuseinge me for speakinge evill agaynst the gouernment, magistrats, & churches of this colony, as by the sd testimonyes in writinge may more largely appeare, I doe acknowledge & confesse that in case I should be at any time left to speake these words, I should not only haue broken the rules of Christianyty, but of morallity & civillity, deseruinge to be condemned justly of all Christians & just, ciuill, honest men, for which I should condemne my selfe, beinge these thinges that in my judgm^t & practise I hate, & doe detest, & abhorre, leauinge what I now say, together with what is testified agaynst me, to the righteous Judge of heaven & earth, which in his due time will manyfest the truth, & aquite the innocent, & reward the guilty accordinge theire deserts; *but the thinges beinge testified by two wittnesses, the Court had cause to pceed agaynst me.

His acknowl-
edgment.

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May 22th, 1651.

RICH: LEADER.

1651.

22 May.
Courts acceptance.

This acknowledgment of M^r Leaders the Court did accept of, p^rvided he be still liable to pay the fifty pounds imposed vpon him in his sensure, & be of good behavio^r, as is there exprest, & that it be left wholly to the wisdom of o^r hono^r^d Magis^{ts} to take what band they thinke fitt of M^r Leader respectinge those things before mentiond. P Curiā.

Meadfeilds
power.

There beinge a towne lately erected beyond Dedham, in the county of Suffolke, vpon Charles Riuer, called by the name of Meadfeild, vpon theire request, made to this Generall Court, this Court hath graunted them all the power & priuiledges which other townes doe injoy, according to law. P Curiā.

A l^{re} to M^r
Williams.

M^r Williams :

Our Generall Court havinge intelligence (if it be as we haue heard) that yo^r selfe, as an instrument from P^rvidence, or the sargeant thereof, by vertue of power from them, haue not only demaunded a rate of twelue pounds & ten shillings from W^m Arnold, Rob^t Cole, W^m Carpenter, & the rest of those vnder o^r jurisdiction at Showamett, but haue also threatned to come suddenly & distrayne on them, on non payment thereof, on theire goods to that value, & a resolution to cary the sd goods away, (if it be as we are informed,) I am required therefore, by o^r Generall Court, to signify vnto you, that if yo^r selfe, or the sargeant, or other officer of P^rvidence, shall pceede to molest those y^t are vnder o^r gouernment affore^sd, or take away ought from them, or any of them, by rates or otherwise, this Court intends to seeke satisfaction for the same of such, & in such manner as God shall put into theire hands.

E: R:, S.

M^r Ropers an-
swer.

In answer to the petition of M^r Henry Roper for redresse of some injury offred him by M^r Thomas Browne, its ordred by this Court, that he shall haue libertay to take his course in law agaynst the sd Browne at the next County Court, held at Boston, if he will.

Hawkins an-
swer.

In answer to the petition of James, Jobe & Thomas Hawkins for the returne for theire mother to liue in this jurisdiction, the Courte, not knowinge how to satisfy themselves about this woman, cannot giue way to her cominge into this jurisdiction. P Curiā.

M^r Cutts an-
swer.

In answer to the petition of John Cuts for the issuinge of a case dependinge betweene Sampson Lane & himselfe, concerninge fower & twenty pipes of wine, this Court doth order, that the hearinge & determineinge of the case shalbe referd to the next County Court held at Boston. P Curiā.

Hawthornes
answer.

In answer to the petition of John Hawthorne for releife in respect

of some opposition from the towne of Maldon, *this Courte, havinge appoynted a comittee to examine the case vpon their returne, doe order, that the sd John Hawthorne should haue liberty & all due encouragm^t to keepe an ordinary at Maldon.

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Whereas, in the yeare 1644, there were lent by this Court two great guns vnto the owners of Mr Bridcakes shippe, which, vpon a just value, appeares to be worth thirteene pounds, which sd guns haue not hitherto ben returned, nor any thinge allowed in consideration thereof, this Court doth therefore order, that the owners of the sd shipp, viz., Cap^t William Tyng, Cap^t Rob^t Keayne, & John Milam, them or either of them, shall stand oblidged to pay vnto the surveyor generall or to Mr James Oliuer the sume of fiftene pounds, within fourteene dayes after the date hereof, in iron or otherwise, to them & either of their satisfaction, for the vse & behoofe of the country. P Curiā.

Gunns to be
required of
Capt. Tyng &
others.

£ 15.

Vpon the request of the towne of Hingham, by their deputy, this Courte thinkes meete to confirme & allow Mr Bozoone Allen to be their captayne, & Mr Joshua Hubbard to be lieutenant to their company. P Curiā.

Answer to
Hingham.

In answer to the petition of the inhabitants of Newbery, Mr William Gerish is appoynted & confirmed to be their captayne, & John Pike for their lieutenant; & it is hereby ordred, that in regard the choyce of there ensigne was not cleare, that they should goe to a new election when they see meete.

Newberys an-
swer.

Samuel Hosier, Charles Chattocke, Isaake Mixell, & Edward Dix, of Watertowne, being fined fower pounds at Cambridge Court for want of a towne bushell, vpon their requests haue their fine remitted.

Watertowne
fine remitted.

Mary Parsons, of Springfeild, having two bills of inditement framed agaynst her, the one for havinge familiarity with the devill as a witch, to which she pleaded not guilty, & not suffycient evidence appearing to proue the same, she was acquitted of witchcraft.

Witches triall.
Mary Parsons
witchcraft &
murder.

The second inditement was for wilfully & most wickedly murdering her owne child, to which shee pleaded guilty, confest the fact, &, accordinge to her deserts, was condemned to dy. P Curiā.

Accordinge to the Courts advise, I haue conferred wth the Reuerend Mr Cotton, Mr Norrice, & Mr Norton about some poynts of the greatest consequence in my booke, & I hope I haue so explayned my meaninge to them as to take off the worst construction; & it hath pleased God to let me see that I haue not spoken in my booke so fully of the price & meritt of Christ suffrings as I should haue done, for in my booke I call them but trialls of his

Mr Pinchons
retraction.

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obedience, yet intendinge thereby to amplyfy & exalt the mediatoriall obedyence of Christ as the only meritorious price of mans redemption ; but now at p̄sent I am much inclined to thinke that his sufferinges were appoynted by God for a further end, *namely, as the due punishment of o^r sins by way of satisfactiō to diuine justice for mans redemption.

Yo^r humble seruant, in all dutyfull respects,

WILLIAM PINCHON.

Courts accep-
tatiō.

The Courte, findinge, by this writinge of M^r Pinchons, that through the blessinge of God on the paynes of the reuerend elders to convince him of the errors in his booke, conceiue that he is in a hopefull way to giue good satisfaction, & therefore, at his request, thinke meete to graunt him liberty, respectinge the p̄sent troubles of his famly, to returne home some day the next weeke, if that he please, & that he shall haue M^r Nortons answer to his booke with him to consider thereof, that so, at the next session of this Courte in October next, he may giue all due satisfaction, to which session he is here- by enjoyed to make his psonall appearance for that end.

M^r Smyths
comission.

Forasmuch as there is a p̄sent necessity that some care be taken respect- inge the case of Springfield, they beinge at p̄sente destitute of any magis- trate or others to put issue to such cases & diffrences as shall or may arise amongst themselues, vpon theire request, its ordred by this Courte & the authority thereof, that M^r Henry Smyth, of Springfield, aforeſd, for this yeare ensuinge, or till the Courte shall take farther order, shall hereby haue full power & authority to gouerne the inhabitants of Springfield, & to heare & determine all cases & offences, both ciuill & criminall, that reach not life, limbe, or banishment, accordinge to the lawes here established ; p̄vided, that in matters of weyght or difficulty, it shall be lawfull for any party to appeale to the Court of Assistants at Boston, so as they psecute the same according to the order of this Court ; p̄vided also, that theire trialls be by the oathes of six men, if twelue cannot be had for that seruice ; as also power is hereby giuen to the ſd M^r Smyth to giues oathes to such constable or constables as shalbe chosen legally, & to examine wittnesses on oath giuen him suteable to his place.

M^r Smyths dis-
mission.

M^r Henry Smyth, of Springfield, beinge a member of this Courte, vpon his request, hauing vrgent occasions to returne home, is dismist for this ses- sion of Court.

M^r Downings
graunte.

Whereas it appeares by the records of this Court, numb 436, that six hundred acors of land was graunted to M^r Emanuel Downinge, which he affirmes was in consideration of fifty pounds by him disbursed in England, in

answer to his petition, it is ordred, that the sd six hundred acors of land shalbe layd out to him by Mr William Howard, of Topsfeild, & Roger Shaw, of Hampton, betweene Hampton & the riuers mouth of Pascataque, at the charge of the sd Mr Downinge, pvided the sd land specified herein be not formerly graunted, & that it be not pjudiciall to any plantation, towne, or village that may hereafter be erected.

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In answer to the petition of Thomas Makepeace, for power to sell & dispose of a certayne howse & land, at Brauntry, left by Oliuer Mellowes to his six children when he dyed, it is ordred, that his request should *graunted, & that such of the children as are of age may haue their portions out of it, & such as desire it should remayne in their eldest brothers hand may also haue their requests graunted, pvided the sd Thō Makepeace & John Mellowes give security to the next County Court for the discharge of the childrens portions accordingly.

Makepeace answered.

[*297.]

In answer to the petition of Mr Samuel Oliuer, for the sune of eyght pounds foorteene shillings for time & expences about the cureinge Mrs Elizabeth Cole, it is ordred, that in respect the gentlewoman was in so lowe a condition as her estate would not reach so far as to mayntayne her selfe food, much lesse to satisfy for her cure, which was endeouored by the the petitioner, that the petition should be graunted, & that the sd sune of eight pounds foorteene shillings be allowed him out of the next country levy.

Mr Oliuers answered.

Its ordred by this Court, that Mr Samuel Winslow, Mr W^m Payne, Mr Samuel Hall, & Mr Thomas Bradbury shalbe commission^{ers}, or any three of them, to lay out the northermost line of Hampton toward Pascataq Riuer.

Hampton bounds.

This Court, vppon good information, vnderstand that the captayne of the Castle, at his owne charge, purchast for the seruice of the Castle six murtherers, two boats, & a drum, which are to be inventoried with the surveyor generall; as also hath repayred some cariages, & more is to be done in respect of hutts, to the valew of twenty pouds, or thereabouts, all which should haue ben done & mayntayned at the charg of the country, & be left in good repayre at the end of the ten yeares agreed vppon by the townes; now, in considera^{co} of the charge aboue mentioned layd out & to be layd out by the sd captayne of the Castle, its ordred by this Court, that the sd captayne shall haue allowed him that thirty pounds a yeare which hath ben reserued out of the hundred & fifty pound a yeare allowed when the garison was supplied with more men, pvided that the sd captayne mayntayne & keepe in good repayre those things aboue mentioned at his owne prop costs & charges vntill the expiration of the sd ten yeares, when he shall

Allowance to the Castle.

1651.

22 May.

redeliuer the same to whom the country shall appoynt; & this to begin from the eighth of the eighth moneth, 1648, & so to contynue till the Court take further order therein.

Treasurers gra-
tuitie.

Whereas, by the Courts encouragm^t, the Treasurer purchased the last printed law bookes, & by reason of the Courts alteration of some thinges in those bookes made them vvvendible, in so much as he lost aboue ten pounds, besides what was burned, in consideration of which losses, its ordred, that he should haue allowed him twenty pounds out of the next country rate.

Charlstownes
gratuity.

Whereas there was due to the country from the inhabitants of Charlstowne, which had theire howses lately burnt, the sume of seuen pounds, sixteene shillings, or thereabouts, for theire country rate, this Court, in consideration *of theire great losse, doe order, that the foreſd sume of seuen pounds sixteene shillings shalbe remitted to them.

[*298.]

Mary Longs
answer.

In answer to the petitiō of Mary Longe, of Dorchester, for liberty to marry, this Court declares, there can come no damage to any magistrate, or any other pson authorized, that shall marry the petitiono^r, pvided she be published accordinge to law.

Armitages an-
swer.

Joseph Armitag pferinge a petition to this Court, for the abatment of a fine of fūe pounds, imposed vpon him by Salem Court, which the Court sees no cause to remit, nor any p^t thereof.

Heydons an-
swer.

In answer to the petition of John Heydon, of Brantry, for releife in respect of his distracted child, as also some losse latly befallne him, this Courte doth order, that the ſd John Heydon shall haue from the country, towards the charges of keepinge the child, fūe pounds p aⁿum, to be payd out of theire owne towne leuy, & the towne to beare the rest of the charge till the Courte se cause to withdraw theire benevolence.

Carters an-
swer.

In answer to the petition of Richard Carter, for releife in respect of injury done him by M^r Charles Sanders, who caryed away his wife from him to England without his consent, its ordred, that the ſd Saunders be sent for to giue answer for his so pceeding, & that the petitioner shall haue his case tryed at the next adjournm^t of the County Courte.

Prison to be
repayrd.

In answer to the petition of George Munnings, for the repayreation of the prison howse, & what is necessary thereabouts, its ordred, that Cap^t Joh Leuerett, M^r Thomas Clarke, Cap^t Edward Johnson, & Ralph Mousall, or any three of them, shalbe commissiono^{rs} to p^cure the same effectually & sufficyently to be done. And whereas Cap^t Leuerett, M^r Thomas Clarke, & the Treasurer haue engaged themselues to disburse so much pay as shall accomplish the ſd worke, its further ordred, that, in consideration thereof, they shall receiue out of the publike treasury so much as they shall disburse

before hand out of the next country rate, with two shillings a pound allowance, provided the worke be done before the next session of this Court.

John Oatis, of Hingham, presented a petition for the abatment or remission of a fine imposed upon him at a Court at Boston, for his resistance of the constable, which the Court thinks meete he should pay.

Elias Parkman presenting a petition for releife in respect of an atatchment layd upon two pipes of wine of his owne by Alexander Monrow, for a debt owinge to him from John Stephens, of Virginia, the sd Stephens havinge some estate in his hands, which wines beinge sold for eight pounds lesse then they cost the petitioner, is referd to a course of law for the redresse of his wronge.

In answer to the petition of William Phillips, for some allowance in respect of forbearance of what is due to him from the country, its ordred, that whatsoever is due to him from the country shall be payd him out of the next country rate, which the Court thinks may be a satisfactory answer to his petition.

In answer to the request of the inhabitants of Haverill, for a new committee to be appoynted to lay out their bounds, Mr Duñer & Mr Carlton, who were formerly appoynted thereto, beinge now in England, the Court, in their steede, doth appoynt Joseph Jewet, John Halsten, Robert Halsten, & William Wilds, or any two of them, provided Joseph Jewet be one, to lay out their bounds, accordinge to the Courts graunt, before the next session of this Court, & to make returne thereof to the Court.

George Indian, complayninge of land wrongfully detaynd from him on Misticke side, is referd to bringe his action agaynst any that withhold it, in some inferior Court.

Its ordred by this Court that there shalbe a day of humiliation throughout this jurisdiction, both in respect of ourselves, & England, Scotland, & Ireland, the 18th day of June.

The agreement of vs, the persons whose names are vnderwritten, beinge deputed, authorized, & betrusted by the townes of Watertowne & Sudbury for the settlinge of the devision line betwixt the sd townes, as followes, viz: doe consent & conclude that the line which was formerly by Mr John Oliver drawne in that place, & the same markes reused, about three yeares since, in the presence of some of each of the townes afforesd, commonly called the old line betwixt Watertowne & Sudbury, that the same line shall for ever stand & be accounted the true partition line & bounds, devidinge & limittinge the extent of the lands of both the townes afforesd, which sd line is described as followes: it begins at the southward pt of Concord bounds, runs thence through

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22 May.

Answer to Oatis.

Parkmans answer.

Answ. to Mr Phillips.

Haverill bounds.

[*299.]

Indyans answer.

Day of humiliation.

Watertowne & Sudbury bounds.

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22 May.

a great pine swampe, & one small peece of meadow, & so to the vpland, & then to an angle betwixt two hills, where a trench is digged, the highest part of the sd hill being eastward, from which angle the line runs away south about half a poynt westerly, which line, from the beginninge next Concord bounds to the angle aforeſd, is about nynty six rod, & this southerly line, that runs from the angle aforeſd vppon a ſtraight line, as it is now marked, havinge these remarkable places therein: one rocke called Grouts Head, & a stake by the cartway leading from Sudbury to Watertowne, & so to a pyne hill, being short of a pond about eighty eight rod, at which pyne hill Sudbury bounds ended. Wittnes o^r hands herevnto subscribed, each of vs in the behalf of the townes entrustinge seuerally.

JOHN SHERMAN,

In the behalf of Watertowne.

WALTER HAYNES,

EDMUND RICE,

EDMUND GOODENOW,

THOMAS NOYES,

JOHN GROUT,

JOHN RUDDOCKE, &

HUGH GRIFFIN,

In the behalfe of Sudbury.

Comissionors
to settle
bounds

[*300.]

We, whose are herevnto subscribed, beinge, by order of the Generall Court dated the 8th moth, 1650, deputed & authorized to settle the bounds betweene Watertowne & Sudbury, doe hereby declare that, vppon the measuringe of the middle line of Watertowne bounds, from the meetinge howse to the length of eight *miles, beinge pformed by Lieutenant Joshua Fisher, beinge by the Courte aforeſd appoynted therevnto, as also vppon seuerall other considerations, doe judge that the line before expressed & described in the couenant & agreement betwixt the psons of both the aforeſd townes, who haue subscribed their names therevnto, is layd out accordinge to the graunts formerly made to Watertowne, and doe therefore, for o^r p^{ts}, & accordinge to the trust to vs committed, settle & determine the sd line to be the true line of partition betwixt the sd bounds of the sd townes, in all respects, accordinge as is in their agreement expressed, & doe fully conceiue with them therein, as aforeſd, to be a finall end to all differences in or concerninge the line aforeſd for euer.

SYMON WILLARD,

ELEAZER LUSHER,

EDWARD JACKSON.

The Courte approues of the retorne of these commission^{ers} concerninge the bounds of the seuerall townes herein mentioned, & doe order that it shalbe recorded in the Court records at large.

Dated 10th of the 2^d moth, 1651.

1651.

22 May.

Courts appro-
bation

Its ordred by this Court, that Watertowne shall haue two thowsand accors of land layd out neere Assabeth Riuer, joyninge to the bounds of Sudbury, in respect of such lands as was wantinge to them, which was graunted them formerly by this Court, to be the bounds of theire towne, & that Cap^t Willard & Leiut Goodenow are appoynted to se this done & pformed, & to make retorne thereof to this Court at theire next session, pvided it be not pjudiciall to any former graunts.

Watertowns
graunte.

The bounds betweene Watertowne & Concord is by those two townes aforeſd acknowledged to be that which was layd out by M^r John Oliuer, & the rest appoynted for that purpose, and the foreſd two townes aknowledge themselues to be justly satisfied in that respect, which they desire may be entred vpon record.

Watertowne &
Concord
bounds.

Cutchamakin, vpon his request, hath libtie graunted to buy 3 pound of shott, pvided he leaues a copie of this order where he buyes his shott.

Answer to
Cutchamikin.

Its ordred by this Court that Hugh Calkin, the deputy for the towne of Gloč, in regard of his remoueall out of this jurisdiction, vpon his request shall be dismist from the service of this Courte, pvided y^t the towne make choyce of another, accordinge to law, to supply his roome.

Caulkins dis-
mission.

At the request of William Heath, of Roxbury, beinge aboute sixty yeares of age, this Court thinkes meete he should be exempted from all traynings.

W= Heaths ex-
emption.

Christopher Collins, appealinge from Salem Court *to the Court of Assistants, bound himself in a bond of ten pound to psecute to effect, which he fayling to doe is lyable to pay the forfeiture to the country, yet vpon his request hath the forfeiture abated to fower pounds, he beinge releast from the sentence of Salem Court by his appeale.

[*301.]

Answer to Col-
lins.

Its ordred by this Court, that Captayne William Tynge shalbe allowed twenty shillings for wood spent by the deputyes in the yeare -44, out of that which is due to the country from him for two guns.

Capt. Tyngs
20s.

Whereas this Court did in the yeare 1646 giue encouragm^t for an assembly of the messengers of the churches in a synode holden at Cambridge, & did desire theire counsell & helpe for the drawinge vp a confession of the fayth & discipline of o^r churches accordinge to the word of God, this Court doth account it selfe obliged to acknowledge the pious zeale & labours of the ſd assembly in that worke, which doth appeare by that draught of discipline

Booke of Disci-
pline to be co-
rected.Contradicen-
tes: Cap^t. Leu-
critt, Mr.
Thomas
Clarke, Mr.
Jeremiah How-
chen.

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22 May.

presented to the last Generall Court for their apobation & allowance, & by them commended to the consideraço of the seuerall churches in this jurisdiction, many of whom were pleased to present to the last session of the last Court, by the deputies of the seuerall townes, seuerall objections against the sd confession of discipline, or seuerall ptyculers therein, wherevpon the Court judged it convenient & conducing to peace to forbear to giue their approbation therevnto, vnles such objections as were presented were cleared & remoued; for which purpose this Court doth order the secretary to draw vp y^e sd objections, or the principall of them, & to deliuer the same to the Reuerend M^r Cotten within one moneth, to be comunicated to the elders of the seuerall churches, who are desired to meete & cleare the sd doubts, or any other that may be imparted to them by any other pson concerninge the sd draught of discipline, & to returne their advice & helpe herèin to the next session of this Generall Court, which will alwayes be zealous according to their duty to giue their testimony to euery truth of Jesus Christ, though they cannot se light to impose any formes as necessary to be obserued by the churches as a bindinge rule.

Hingham &
Scituante line.

There beinge a diffrence betweene the inhabitants of Hingham & of Scituante about sixty acors of meddow on the other side of Conehassett Riuer, the sd inhabitants of Hingham complayninge of their griueance to this Court, & desireinge redresse, the Court thinkes meete to referre the consideraço of the matter to the commissiono^{rs} of the colonyes, to whom it properly appertaynes to put issue therevnto.

M^r Winslowes
answer.

M^r Samuell Winslow, of Salisbury, comēcinge a sute ag^t M^r Samuell Hall, & havinge a verdict past agaynst him at Hampton Court, did appeale to the Court of Assistants, & gaue bond to psecute, but fayled thereof, & forfeited his *bond, & now pferrs a petition to this Court for the remittinge of the bond; for answer wherevnto, this Court conceiues the forfeiture of the bond pply belongs to the party, viz^t, M^r Samuel Hall, & doe order, that the petitiono^r should pay, as a fine to the country for his non appearance at the last Quarter Court to psecute his apeale, the sume of twenty shillings.

[*302.]

Major Gen:
comission enlarged.

Whereas the major^r generall having no power by his comissiō to issue forth his warrents for the generall trayninge of his regiment (without the consent of the counsell of comōn wealth) when he shall see good, which is no more then any one major^r of a regiment hath, this Court doth therefore order, that the major^r generall shall haue power in the comission to be giuen to him to call his owne regiment once a yeare, if he see cause to trayne them, without the consent of the common wealth.

M^r Mathews
case.

There beinge a bill presented to this Court, which concernes some former & later miscarriages of M^r Marmaduke Mathewes, this Court orders, that the

ſd M^r Mathewes be warned to appeare before this Court to make answer therevnto on the fifth day next, in the morninge, before the Court goe on to any hearing, *to any hearinge*, thereabouts.

At which time the ſd M^r Mathewes appeared, the wittneses were examined, the case fully heard ; the determination of the Court therevpon was as hereafter followes : —

Whereas M^r Marmaduke Mathewes hath formerly & lately giuen offence to magistrats, elders, & many brethren, in some vnsaffe, if not vnsound, expressions in his publicke teachinge, & as it hath ben manifested to this Court, & hath not yet giuen satisfaction to those magistrats & elders that were appoynted to receiue satisfaction from him, since which time there haue, in his publicke ministry, ben deliuered other vnsaffe & offence expressions by him, whereby both magistrats, ministe^{rs}, & churches were occasioned to write to the church of Maldon to aduise them not to pceed to the ordination of M^r Mathews, which offences taken agaynst him were also made knowne, yet, contrary to all aduice & the rule of Gods word, as also the peace of the churches, the church of Mauldin hath pceeded to the ordaynation of M^r Mathewes, —

This Court, therefore, takeinge into considera^{ti}o the p^rmisses, & the dangerous consequences & effects that may follow such pceedings, doth order, that both the former & later offences, touching doctrinall poynts, be first duly considered by a committee both of magistrats & deputyes, viz^t, M^r Bradstreet, M^r Symonds, Cap^t Hawthorne, Cap^t Johnson, M^r Glouer, Cap^t Lusher, Cap^t Gookin, and Richard Browne, & Cap^t Atherton, or the major part of them ; & in case of difficulty, the ſd co^mmittee hath liberty to call in the helpe or aduice of any of the reuerend elders whom they shall thinke meete, & according as the ſd co^mmittee shall find, to make report to this Court at the next session thereof ; and touching the church of Maulden, her offence in ordayninge him, notwithstanding all aduice formerly, that the church may be referd to answer theire offence, also, the next session of this Court ; & as concerninge M^r Mathewes sufferinge himself to be ordayned contrary **contrary* to the rules of Gods word, which should not haue so pceeded, to the offence of magistrats, elders, & some churches, this Court doth further order, that the ſd M^r Mathewes shall giue satisfaction at this session of this Court, by an humble acknowledging of his sinne for his so pceedinge, which if he refuse to doe, to pay the sune of ten pounds within one moneth.

M^r Mathewes, having a day appoynted to acknowledge his offence, gaue no satisfacti^o before the Court, as he ought, if he would haue freed him selfe

1651.

22 May.

M^r Mathewes
case.

[*303.]

M^r Mathewes
fine to be col-
lected.

1651.

22 May.

Settlement of
Capt. Joseph
Weld's estate
in Roxbury.

from the fine of ten pounds imposed on him by this Courte; & therefore it is ordred, that warrent shall issue out of this Court from the secretary to the marshall to leuy the sd fine on the goods of M^r Mathewes within one month after the date hereof.

In answer to the petition of John Johnson & W^m Parkes, of Roxbury, ouerseers to the last will & testament of Cap^t Joseph Weld, late of Roxbury, afforesd, desireinge that the howse & lands, orchard, gardens, barnes, & eigh-teene acors of vpland & meddow to the same belonginge, as it lyes scituate & beinge in Roxbury, may be confirmed to Anthony Stoddard & his heires foreuer, so as the said Anthony Stoddard giues in securitie to the County Court now in adjournment, & to the sd ouerseers, to both their contents, to pay vnto Daniell, Sarah, & Mary, as they shall attayne vnto their respective ages, the sume of fifty pounds apeece in current pay, or to the survivour or survivours of them the sume of one hundred & fifty pounds, keepinge them at his owne charge till they shall attayne their respectiue ages; & in case all the sd children should dy before they come to age, then to pay what is justly due to them did they liue, (by their fathers will & intent therein exprest, to the first wiues children,) the Court thinkes meete to grant the petitioners request, & doth confirme the sd howse & land to the sd Anthony Stoddard accordingly.

J. Milam & W.
Franklin dis-
pute.

Courts opinion.

The Court, havinge heard the whole case of diffrence betweene John Milam, playn^t, & W^m Franklin, defendant, for diginge away a peece of ground before his brother Humphry Milams howse, as it was tryed by way of action at the County Court in Boston, (28,) 11th, 1650, that Court re-jectinge the verdict of the jury, who found for John Milam ten pounds dam-mages & ten shillings & seven pence cost, it was ordred by the Generall Court, that William Franklin should make the sd landinge place vp agayne as good as it was before he cut it away, before the last of July next, which then was twenty foote in length & eight in breadth at the one end, & about foorteene at the other end, as it appead to a comitte to the Courts satisfac-tion, that so Humphry Milam may enjoy his landinge place accordinge to couenants, or else to forfeit to John Milam all the land y^t the sd Franklin hath lyinge & beinge betweene the Creeke & the front of Humphry Milams howse, &, howeuer, to pay the costs of the Court, which is twenty fivc shillings.

Its ordred, that the debt of twelue pounds odd money dew to M^r Eaton, gouernor of Newhaven jurisdiction, at his request, be payd to Benjamin Gil-lam by the Treasurer, to his content.

*Its ordred, that the Treasurer shall pay the seruants of M^r Phillipps forty shillings as a recompence for their attendance on the Court; as also ten shillings to M^r Bellinghā servants for their paynes.

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22 May.

[*304.]

Its ordred, that thanks be given by this Court to M^r John Norton for his worthy paynes in his full answer to M^r Pinchons booke, which at their desire he made, & since presented them with; & as a recompence for his paynes & good service therein, doe order that the Treasurer shall pay him twenty pounds out of the next leuy.

Rev^d M^r Norton has £20.

This Court, takeinge into consideraō how farre Sathan p^rvayles amongst vs in respect of witchcrafts, as also by drawing away some from the truth to the p^rfession & practise of straung opinions, & also consideringe the state & condition of England, Ireland, & Scotland, & the great things now in hand there, conceive it necessary that there be a day of humiliation throughout o^r jurisdiction in all the churches, & doe therefore desire & order, that the eighteenth day of the fowrth moth shalbe set a^pt for that end & purpose, & that the depu^{ts} of the seuerall townes giue notice to the seuerall elders of their churches of the Courts desire herein.

June 18th to be observed as a day of humiliation.

**At the second Session of the Gennerall Court, held att Boston, the 14th October, 1651.* [*305.]

WHERE was chosen Speaker, Major Daniel Denison, for the whole session of Court.

14 October. Amⁿition to be entred and reported to notary publick.

Whereas, by favour of the most honourable Parliament of England, or counsell of state, seuerall quantities of powder & other amⁿition are yearly imported into this jurisdiction for o^r necessary vse & defence, now, to the end that the favour we receiue may not be abused, nor o^rselues deprived of the just & nessessary vse thereof, it is hereby ordred & enacted, that all marchant^l or others that shall import into this jurisdiction either powder, lead, bullet^l, shott, or any amⁿitiō whatsoever, shall giue p^rticular notice of the quantitie thereof to the publicke notary, vpon paine or p^renalty of forty pound^l within one moneth after the landinge of such good^l; who is hereby enjoyned to take p^rticular notice of the same, with the marke & number, & faythfully to enter the same in a booke of the names of the persons to whom they are sould, or vnto whose power or custody they are comitted, that he may giue account^t thereof, vpon oath, to the Gouvernour, Deputie Go^vino^r,

1651.

14 October.

or any of the counsell from time to time. And the sd notary is hereby phibited, vppon the paine, pœnaltie, of one hundred pounds, to graunt any certificate vnto any marchant or other of any such goodes but such as he shall haue perticuler notice of, & entred as aforesd; and to the end this order may be duely obserued, & that no person may plead ignorance thereof, it is hereby ordred, that the captayne of the Castle shall, vppon the ariuall of any shippe or vessell in the Massachusetts Bay, from any forraigne partes, giue notice of the content of this order to the master or marchant of any such vessell; & the cunstable of all other port townes in this jurisdiction are hereby enjoynd to doe the same.

[*306.]

Booke of Discipline.

Contradicentes: Mr

Browne, Capt.

Hawthorne,

John: Johnson,

Mr Henry Bar-

tholomew, Es-

dras Reede,

Wm Cowdry,

Walter

Haynes, Roger

Shaw, Ste:

Kinsley, John:

Holbrooke,

Mr Tho. Clarke,

Capt. Leueritt,

Mr Howchen,

Capt. Tyng.

*Whereas this Court did, in the yeare 1646, giue encouragment for an assembly of the messengers of the churches in a synode, and did desire their helpe to draw vpp a confession of the fayth & discipline of the churches, according to the word of God, which was psented to this Court, & comended to the seuerall churches, many of whom returned their approbation & assent to the sd draught in generall, & diuerse of the churches psented some objections & doubt agaynst some perticulers in the sd draught, wherevppon, by order of this Court, the sd objections were commended to the consideration of the elders, to be cleared & remoued, who haue returned their answer in writinge, which the Court, havinge pyved, doe thankfully acknowledge their learned paynes therein, & account themselues called of God (especially at this time, when the truth of Christ is so much opposed in the world) to giue their testimony to the sd Booke of Discipline, that for the substance thereof it is that we haue practised & doe beleue.

Trade prohibited.

Whereas, by an order of this Court, bearinge date the 22th of the third moth, 1651, all trade with Barbados, Antego, Bermudas, & Virginia is phibited, & therefore by all masters of shippes or smaller vessells are commaunded to forbear the transportinge of any goods or marchandize to the foresd places, as being in rebellion ag^t the common wealth of England, vppon pœnalty of forfeiture of shipp & goodes. Since which time, havinge intelligence that the fleete, vnder the comaund of S^r George Ascough, is set forth by the Parliament for the reduceinge of the sd Iland of Barbados, & may pbably, by Gods blessinge, haue efected the same, & this Court havinge receiued a petition from diuers marchant and marinors, for libertie to sayle forth of these pt of the sd phibited places, or some of them, giuing in caution not to land any good in or trade with any the sd places, except they be reduced to the obedience of the common wealth of England, wherefore it is ordred by this Court and the authoritie thereof, that the Gouvernour, or any two magistrates, shall haue power to graunt libertie vnto such as haue or

[*307.]

may desire liberty to sayle forth from hence to any of the afore^sd places, takeinge suffeycent caution, by bond, of one or two thousand pound sterlinge, more or lesse, accordinge to the burden of the shippe & value of the cargo they shall sett forth withall.

1651.

14 October.

It is ordred by this Courte & the authoritie thereof, that all fences agaynst cornefeild^e, meddow ground, gardens, orchardes or pastures which are made of stones, pales, rayles, riuers, or creekes, or any other fences which are allowed by such men as are appoynted in the seuerall townes to view fences to be suffeycent agaynst greate cattle, all swine breakeinge through such fences as affores^d, shalbe liable to make satisfaction for all damage, vpon due proffe, as in other cases, any law or custome to the contrary notwithstandinge.

Swine to pay damage.

This Court conceiues it both dishonouable & troublsome, that all times, euen when the most weighty occasions of the country are in hand, the Gouvernour should affix the seale of this colonie, as often as men haue occasions, to letters of attorney & certificates, & yet haue nothinge for the same, and therefore orders, that henceforth whosoever shall procure the seale of this colonie to any certificate, letter of attorney, or commission, shall satisfie the present Gouverno^r for the time beinge fve shilling^e for affixinge the seale afore^sd, & attesting therevnto vnder his hand.

Fees for the pub: seale.
Governor's signature and seal of the colony.

Vpon a motion made to this Court, in the behalfe of the seuerall troopers within this jurisdiction, it is ordred, that libertie shalbe graunted them to choose captaynes ouer their seuerall troopes, pvided they be such as shalbe allowed by this Court, as captaynes of foot companies are.

Troopers libertie.

To the end that no other but good & wholesome beere be brewed at any time hereafter within this jurisdiction, to be sold either for the supply of shippes or other smaler vessell at sea, or for the vse of travillers, or others in ordynaries, *and that no wronge be done to any in this mistery, it is ordred by this Courte & the authoritie thereof, that no person whatsoever, after the publication hereof, shall vndertake the callinge or worke of brewinge beere for sale but only such as are knowne to haue suffeycent skill & knowledge in the art or mistery of a brewer. And further, it is ordred by the authoritie affores^d, that if any vndertaker for victuallinge of shippes or other vessell for sea, or master or owner, or any other, shall make it appeare that any beere bought of any person within this jurisdiction doe proue vnfit, vnwholsome, & vseles for their sea supply in that kind, through the insufficiency of the mault, or brewinge, or vnwholsome caske, the person wronged thereby shalbe & is hereby enabled to recouer equall and suffeycent dammages: by action agaynst that person that put that beere to sale. And forasmuch as wthin this jurisdiction seuerall ordinary keepers doe brew their owne beere, it is further

Wholesome beere to be brewed.
Beer.

[*308.]

Brewers of malt liquor to be duly qualified for the purpose.

1651.

14 October.
Directions for
brewing.

ordred by the authoritie afore^sd, that all such as put beere to sale shalbe able to proue that they put into euery hogshead of beere that they sell for three pence the quarte, into the brewing thereof, six bushell℥ of good barly mault, & into euery hogshead of beere sould at two pence the quart, fower bushell℥ of mault; & into euery hogshead of beere sould at a peñey a quart, two bushell℥ of like good mault, & so proportionably in greater or smaller quantities; & whosoever shall offend in faylinge in any of these pportions by putinge in lesse quantities of mault, or sellinge beere at higher prises, shall forfeit for the first offence therein forty shilling℥, & for the second offence shall forfeite theire licence; & that it shalbe lawfull for any ordynary keeper to brew beere for sale of three pence the quart, any law, custome, or vseage to the contrary notwithstanding.

Order about
youthes.

[*309.]

Youths to be
kept from
dissipation &
idleness.

Vppon information of diuers loose, vayne, & corrupt persons, both such as come from forraigne partes & also some others, here inhabitinge & residinge, which insinuate themselues into the fellowship *of the younge people of this country, drawing them both by night & by day from theire callinges, studdies, honest occupations, & lodginge places, to the great dishonour of God, greife of theire parent℥, masters, teachers, tuto^{rs}, guardians, ouerseers, & such like, it is ordred by this Court & the authoritie thereof, that whosoever shall henceforth any wayes cause or suffer any younge people or persons whatsoever, whether children, servant℥, apprintizes, schollers belonginge to the colledge or any other Latine schoole, to spend any of theire time or estate, by night or day, in his or theire company, howse, shoppe, shippe, or other vessell, whether ordinary, taverne, victuallinge howse, cellar, or other place where they haue to doe, & shall not, from time to time, discharge & hasten all such youthes to theire seuerall employment℥ & places of abode or lodginge afore^sd, if theire beinge in any such place be knowne to them, or any servant or other helpe in the family, or supplyinge the place of a servant, at sea or at land, that then such person, howsholder, shopkeep, shipmaster, ordinary keeper, taverno^r, victualler, or other, shall forfeit the sume of fortie shillings, vppon legall conviction before any magistrate, or others authorized to end small causes, the one halfe to the informer & the other halfe to the country; & all cunstables in theire seuerall jurisdictions are also authorized to act herein as is p^rvided in reference to the law of inkeepers.

Choyse of
jryes.

Whereas there hath beene complaynt℥ made vnto this Court, that vppon the choyce & su^moninge of jryes for speciall Court℥, there hath beene some intrenchm^t℥ vppon the freemens libertie, it is therfore ordred by this Courte & the authoritie thereof, that the ordinary course for choyce of jryes by the freemen shall be attended in the choyce & summoninge of jryes for speciall

Court℄, & no other way in the places where the juryes shalbe chosen & **1651.**
summond.

There beinge seuerall of the inhabitant℄ of the county of Suffolke havinge
express themselves that they haue suffred some wronge in regard the juryes
chosen to serue the Court of Assistant℄ are alwayes *made choyce of out of
the sd county of Suffolke to try such actions as are brought from all part℄ of
the jurisdiction, which the Court haueinge considred off doth order, that
henceforth all juro^{es} that are called to attend at the Court of Assistant℄ shalbe
made choyce of respectiuey out of the county of Middlesex also.

14 October.

Juro^{es} for
Suffolke.

[*310.]

Although seuerall declarations & orders haue bin made by this Court
agaynst excesse in apparrill, both of men & woemen, which hath not yet taken
that efect which were to be desired, but on the contrary we cannot but to o^r
greife take notice that intollerable excesse & brauery hath crept in vppon vs, &
especially amongst people of meane condition, to the dishono^r of God, the
scandall of o^r p^ression, the consumption of estates, & altogether vnsuteable to
o^r povertie; & although we acknowledge it to be a matter of much difficultie,
in regard of the blindnes of mens mindes & the stubbournnes of their wills,
to set downe exact rules to confine all sort℄ of p^rsons, yet we cannot but ac-
counpt it o^r duty to comend vnto all sort℄ of p^rsons a so-ber & moderate vse
of those blessing℄ which, beyond o^r expectation, the Lord hath been pleased to
afford vnto vs in this wildernes, & also to declare o^r vtter detestation & dislike
that men or women of meane condition, educations, & callinges should take
vppon them the garbe of gentlemen, by the wearinge of gold or siluer lace,
or buttons, or poynt℄ at their knees, to walke in greate bootes; or women of
the same ranke to weare silke or tiffany hoodes or scarfes, which though
allowable to persons of greater estates, or more liberall education, yet we can-
not but judge it intollerable in p^rsons of such like condition; it℄ therefore
ordred by this Court & the authoritie thereof, that no person within this juris-
diction, or any of their relations depending vppon them, whose visible
estates, reall & p^rsonall, shall not exceede the true & indeferent value of two
hundred poundes, shall weare any gold or siluer lace, or gold or siluer but-
tons, or any bone lace aboue two shilling℄ p^r yard, or silke hoodes or scarfes,
vppon the p^renalty *of ten shillinges for euery such offence; & euery such
delinquent to be p^resented by the graund jury. And forasmuch as distinct &
perticuler rules in this case, suteable to the estate or qualitie of each p^rson,
cannot easily be giuen, it is further ordred by the authoritie afforesd, that the
select men of euery towne, or the majo^r part of them, are hereby enabled &
required & *required*, from time to time, to haue regard & take notice of ap-
parrill in any of the inhabitant℄ of their seuerall townes respectiuey, & who-

Excess in
apparrill
restraynd.

Order against
costly apparel.

[*311.]

1651.

14 October.
Order disap-
proving great
boots and
ribbons.

soeuer they shall judge to exceed their rankes & abillitie in the costlynnes or fashion of their apparrill in any respect, especially in the wearinge of ribons & great bootes, (leather beinge a commoditie scarce in this country,) the sd select men shall haue power to asseesse such persons so offendinge in any of the perticulers aboue mentioned, in the country rate, at 200^u, accordinge to that proportion that such men vse to pay to whom such apparrill is suteable & allowed; pvided, that this law shall not extend to the restraynt of any magistrate or other publicke officer of this jurisdiction, their wiues & children, who are left to their discretion in wearinge of apparrill, or any settled millitary officer, or souldier in the time of military servise, or any other whose education & imployment have bene aboue the ordinary degree, or whose estates haue bene considerable, though now decayed; & this order to take place & be of force two moneths after the end of this session of Court.

Boston
comission.

Whereas it doth appeare vnto this Courte that suites at law are growne more frequent of late in this jurisdiction than formerly, & especially in the towne of Boston, by reason of the great concourse of people & increase of trade there, whereby County Court are much plunged, & forasmuch as many crimes are also committed in the sd towne, both by night & by day, both by straungers & other inhabitant of this country, which, either through the want of information, or authoritie not constantly at hand, *sundry offendors & offences escape vnpunished, for the pvention whereof the Generall Court, assembled at Boston the 14th of October, 1651, haue thought meete that there be seaven of the freemen resident in Boston annually chosen by the freemen of the sd towne, & presented to the Court of Assistant, who hereby haue power to authorize the sd seaven freemen to be comissioners for the towne, to act in all thinges committed to their trust as is hereafter exprest, who shall, from time to time, be sworne before the sd Court, or the Go^unor then in beinge, to the faithfull discharge of that service; & for this present yeare this Court haue giuen & graunted, & do hereby giue & graunt, full commission & authoritie to M^r Richard Parker, M^r Nathaniel Duncā, Cap^t Robert Keayne, Cap^t W^m Tynge, M^r Edward Tynge, M^r Anthony Stoddard, & Cap^t Joh Leverett, or any five of them, or any three of them with one magistrate, to heare & determine all ciuill actions which shall be brought before them, not exceedinge the sume of ten poundes, arising within the necke of land on which the towne is situated, & in Noddes Iland, or betwixt any parties, where both parties shalbe inhabitant or resident within the sd necke of Boston, or Noddles Iland afforesd, or any other not inhabitinge wthin the jurisdiction, & also to heare & determine all ciuill actions whatsoever, legally brought before them, not exceedinge the sum of ten pound afforesd, provided they keepe a booke of records for the

[*312.]

Commissioners
to hear and de-
termine all
causes of £10
value in Bos-
ton.

entry of all causes, evidences, testimonies, sentences, & judgment℥, as the law pvides in like cases, which sd commissiono℥ are authorized añually to ap-
 poynt them a clarke of their Courtes, & to demandaund & receiue of euery
 playntife, in all causes or actions not exceedinge forty shilling℥, the sume of
 one shillinge six pence, & for all other actions the sume of fíue shilling℥, &
 for all other thinges the accustomed fees; pvided also, that the sd commis-
 siono℥ shall, from time to time, publish their Court dayes, as the three
 comíssiono℥ in townes are by law to doe; & for the better discouery,
 *pvention, & punishment of sin & misdemeno℥ in the sd towne of Boston, [*313.]
 power & authoritie is hereby giuen & graunted to the sd commissiono℥ &
 euery of them, by warrent, vnder their or his hand, to convent before them,
 or any one of them, all such persons as shalbe complayned of for such of-
 fences, or otherwise legally brought to their cognizance, & to heare & deter-
 mine the same accordinge to the lawes here established, as any magistrate
 may doe, pvided the fines imposed by them doe not exceed forty shilling℥
 for one offence; & that o℥ sd commissiono℥ may the better & more diligent-
 ly endeavour the suppressing of sin, misdemeno℥, & the breach of the peace
 in the sd towne, their commission shall, from time to time, be vnder the
 hand of the secretary for the Generall Courte, & also all marshall℥, cunstables,
 & other inhabitant℥ respectiuely, from time to time, shalbe aydinge & assisting
 o℥ commissiono℥ aforesd in this behalfe, & that no person may be discouraged,
 or any way dammaged hereby, it shalbe in the libertie of any person to ap-
 peale from the sentence of any of them, from time to time, vnto the Court
 of Assistant℥, pvided that no action arising, vnder ten poundes, within the sd
 limitt℥ of Boston Necke & Noddles Iland, as aforesd, shalbe receiued into
 any Courte, & that this commission shalbe of force for triall one whole yeare.

1651.

14 October.

Inhabitants to
 assist the
 commission-
 ers.

Whereas there was a law made, in the yeare 1651, concerninge straun-
 gers cominge into this jurisdiction, wherein all strangers ariueing within any
 of o℥ port townes, aboue the age of sixteene yeares, were enjoyned to be ac-
 countable before the Gouverno℥, Dep^t Gouverno℥, or two of o℥ honou^d magist℥,
 of the occasiō of their cominge into these part℥, as in that order doth more
 largely appeare, which sd order is longe since expired, it℥ ordred by this Court,
 that the sd law be agayne reuiued, & be declared by this Court to stand still
 in force till this Court shall see just cause to repeale the same.

Order about
 straungers
 reuiued.

It℥ ordred by this Courte & the authoritie thereof, that all sortes of corne
 shalbe payd into the country rates for this yeare ensuinge at these prises fol-
 lowinge, vizt, wheat & barly at fíue shilling℥ *the bushell, rye at fower shil-
 linges, pease at three shilling℥ eight pence, & Indian at three shilling℥ p bush-
 ell, all good & marchantable corne, & all other thinges payd into the country

Prises of
 corne.

[*314.]

1651.

14 October.
Secretaries
recompence
£40 p^r ann.

rate to be valued accordinge to the prises of all sortes of corne aboue mentioned.

It is ordred by this Court, that the secritary shalbe allowed for his attendance on & service to the Generall Court counsell, & transcribinge the act^l of the commissiono^r^l, as also for transcribing of letters, & all other service, besides the benefit of writeinge the orders of the Generall Court for the seuerall townes, forty poundes for this yeare, & so forward, & to begin at the first session of this Courte.

Letters to be
recorded.

Forasmuch as this Court hath occasion many times of sending letters to England, to the Dutch, French, Roade Iland, as also to the other jurisdictions & ordinarylie doe receiue letters from them, & that somtimes such as are of great concernment to vs, that we may the more readylie find out the content^l of such letters as affore^sd, it^l ordred, that from henceforth there shalbe two seuerall bookes kept, the one by the secritary, the other by the clarke to the Deputies, wherein letters & other forraigne transactions, so much as this Court shall appoynt, shalbe recorded; & because it is a worke that will require much time & labour, t^res beinge many, & some very longe, it^l therefore further ordred, that they shall respectiueley receiue p^rportional recompence yearly for their labours, as this Court shall determine.

Answer to Mr
Eliott.

In answer to the petition of M^r John Eliot, of Roxbury, & vppon a motion of the inhabitant^l of Dedham, tendringe the furtherance of the Indian plantatiō at Naticke, to allow them two thowsand acors within their boundes, p^rvided they lay downe all claymes in that towne elsewhere, & set no trapps in vnclosed land, this Court, approueinge their tender therein, doth order that the deputies of Dorchester, Roxbury, Watertowne, Cambridge, & Sudbury, together with the deputies of Dedham, shalbe a cōmitte to consider & act further therein, & that in case M^r Eliot shall, in the behalfe of the Indians, desire more of Dedham land, they may stir vpp & moue their seuerall townes to further that worke by *yeeldinge some land in each of their townes adjacent, to recompence Dedham for what land they shall part with ouer & aboue the two thowsand acors aboue s^d.

[*315.]

Hauerill
enlarged.

This Court haueinge formerly graunted fower miles square for the boundes of Hauerill, or such a tract of land, & did appoynt Joseph Jewet, John Hasletine, Robert Hasletine, & William Wilder, or any two of them, to lay out their s^d boundes, which Joseph Jewet & W^m Wilder haueinge done accordinge to the Courtes graunt, this Court (at the request of the inhabitant^l of Haverill) doth confirme their s^d boundes, as they are now layd out by the persons aboue mentioned.

Mr Dudley's
answer.

Whereas by two former grauntes of this Courte, o^r p^rsent honou^rd Dep^t

Gouverneur Thomas Dudley, Esq^r, had graunted vnto him fiftene hundred acors of land, about fower miles from Concord, which is bounded by the riuer on the one side, & by land graunted to Joh Winthrope, Esq^r, deceased, on another side, but it is not expressed how far the sd 1500 acors should goe alonge by the riuers side, to make it certayne, & that no diffrence may arise about the same in time to come, this Court, in answer to his request, doth order, that the sd 1500 acors so graunted to him shall be layd out two miles & a halfe alonge by the riuers side, & so that he may make vp the sd 1500 acors from the riuers side to the land ward.

1651.

14 October.

In answer to the petition of Symon Bradstreet & Thomas Wiggen, gent^l, for the graunt of one thowsand acors of land on the further side of the riuer Neewichawanicke, neere Douer, together with such p^ruiledge of timber as might be vsefull for the employ^mt of theire sawmill, this Court, accordinge to theire request, haue graunted them the sd thowsand acors, to them & theire heires for euer, & also libtie to make vse of any timber for the sawmill whiles the land doth remayn common.

Mr Bradstreet
answ.

Henry Chickeringe, a depu^t for the towne of Dedham, vpon his vrgent occasions, is dismiss^t the Court for this sessiō, there beinge another depu^t here for the same towne.

Deputy dis
mist.

Whereas the Generall Court, in the begininge of the towne of Dedham, graunted vnto the inhabitant^l thereof *a tract of land fwe miles square, vppon the north side of Charles Riuer, but afterward, vppon the layinge out of Watertowne line, it did appeare that there was not roome there left for the former graunt made to Dedham to lye in that square forme before exprest, wherevppon an other graunt was made by the Generall Court, dated 22th of the 3^d moth, 1639, orderinge that the sd tract of land should be layd out to run a longe, so as the fore^sd quantitie should be taken in accordinge as the place would beare, in which order also one clause doth restrayne the line, that it shall not come within two miles of Cochittawate ponde^s; but now vppon experience & testimony p^sented in this Court, it doth appeare, that the fore^sd ponde^s are within lesse then two miles of Charles Riuer, by reason whereof the sd tract of ²/₃ miles square cannot be taken there according to the graunt, this Court in considera^çō of the p^rmises, doth order, that the fore^sd clause, restrayninge the line not come within two miles of the afore^sd ponde^s, be made of none effect, but that the fore^sd graunt or tract of land be layd out accordinge as the place was then capable at that time when the graunt was made, p^rvided that Watertowne line be not hindred thereby.

Dedham
boundes.

[*316.]

Dedham
boundes.

Whereas it appeares vnto this Court, vppō examina^çō of acc^o, that the country is debtor to M^r Pococke, in England, the sume of fiftie ponde^s,

M^r Pococks
satisfied.

1651.

14. October.
M^r Pococke.

formerly disbursed for & towards the vse & benefit of the country, that due satisfaction may be made, as *as* is desired, it^e ordred by this Courte, that M^r Winslow shall & hereby is both authorized & intreated to make satisfaction to the s^d M^r Pococke by such wayes & meanes as shall p^sent, & that the Treasurer shall repay it agayne heere to whom M^r Winslow shall appoynte, & this order to be sent to England to M^r Winslow with all convenient speed.

M^r Dunster to
marry.

It^e ordred by the Court, that M^r Henry Dunster shall be impowered to marry M^r Joh Appleton & M^{ris} Priscilla Glouer, who haue been published accordinge to law.

Surveyo^r
recompence.
[*317.]

This Court, takeinge notice of the contynuall paynes & faythfull en-
deuours of M^r Joh Johnson in the place of the surveyo^r generall, *lookinge
to the country armes, & p^ecureinge many of the country debt^e, judge it meete
he should haue due recompence, & doe therefore order, that he shalbe
allowed five poundes p annū, & to begin from the time of the Courtes last
allowance to him for his paynes in that employment.

Sudbury
bounds layd
out.

Accordinge to an order of Court, about three yeares since, the towne of
Sudbury was to haue two miles enlargment vpon theire west line, & Cap-
taine Symon Willard was appoynted by the Court to se the s^d land layd out,
which he havinge accordingly done did testifie the same vnder his hand, &
his returne was accepted by the Court, & theire s^d graunt confirmed.

Comissiono^r
for Hampton
boundes.

Vpon the request of the inhabitant^e of Hampton, M^r Samuell Winslow,
M^r Thō Bradbury, & Leiu^t Pike, or any two of them, are appoynted comis-
siono^r to lay out the west end of theire towne line towards Exeter; p^ovided,
that Exetur haue timely notice of the time when it is to be done, to the end
they may haue libtie to make theire objections, which s^d comissiono^r shall
make returne thereof to the next Courte of Election.

Country
armes.

There beinge seuerall armes longe since left in the handes of some of the
inhabitant^e of Salem, which did appertayne to the country, of which fower
muskett^e were burnt in the handes of M^r Gaffard, & one beinge in the handes
of o^r p^sent hono^d Goū^r, which s^d five muskett^e, for seuerall reasons, this
Court doth order, should not be required agayne by the country.

Court ad-
journd.

The County Court of Suffolke, by reason of the busines of the Generall
Court, is adjourned from the 28th of the 8th moth to the 18th of the 9th.

Booke to be
printed.

It is ordred by this Court, that the answer to M^r Pinchons booke, written
by M^r Norton, should be sent to England to be printed.

Deputy
dismist.

M^r Henry Smyth, the deputy for the towne of Springfield, havinge a long
journey to travill, & vrgent occasion to returne home, vpon his request, is
dismist from further attendance on the Court.

*Att the request of Mr Phillippis, of Rowley, who hath been published accordinge to law, M^r W^m Hubbard, of Ipswich, in the absence of a magis^r, is hereby empowered to marry him. 1651.
14 October.

Whereas Nathaniel Edward^e presented to this Courte a will made by one Nathaniel Smyth, & therewith as severall testimonies to proue that the sd will was confirmed & allowed by the Prerogative Court in England, vpon pyseall whereof this Court doth also declare to be legall, & doe also order, that the sd Nathaniel Edwards shall put in caution to the next County Court holden at Boston, to be responsall for all the estate of the sd Smyth lyinge within this jurisdiction, in case the sd will should hereafter be reversed; & further, at the request of the sd Edwards, this Court doth declare that the will aboue mentioned is the last will & testament of Nathaniel Smyth, & allowed by this Court. [*318.]
Mr Hubbards power to marry.
Smyth will approved, &c.

The returne of the comitte^e appoynted to consider of y^e tre frō M^r S^t Mase, & y^e cas depending therevpon.

1. Wee find, accordinge to the affirmatiō of Cap^t Henfeild, that he, the sd cap^t, had no comission from the major^r generall, M^r Yale being entrusted therewith as march^t of the vessell, nor had he any comission from England then with him. French case examined.

2. That Cap^t Lane & Cap^t Henfeild gaue chase to two French vessell^e about 30 leagues beyond S^t Johns, but came not vp to speake with them, nor intended then to take them, as he affirmeth.

3. We find that Cap^t Henfeild put fower men aboard a shollop of Cap^t Lanes to sound a harbour he intended to bringe his vessell into for trade, which shollop, beinge comāunded by Cap^t Lanes leiu^t, tooke a pinnace belonginge to the French as shee was cominge into the mouth of the harbour, Cap^t Henfeild^e men assisting therein without his order.

4. That some dayes after the sd Cap^t Henfeild tooke some of the French aboard his vessell, to set them ashore, beinge requested by them, as he sayth, so to doe, & also put some of *his men aboard the French pynnace, intending to buy her, as he aleageth. [*319.]

5. We cannot find that the major generall^e son had any comāund in Henfeilds vessell, nor was euer aboard the French vessell from first to last; & y^t the major^r generall himsel^e gaue speciall order, both to the cap^t & march^t of his vessell, not to consort wth Cap^t Lane vpon any termes.

Lastly. We cannot finde that Cap^t Henfeild had any part of the French goodes, the vessell beinge retaken by M^r Latour. The p^rmisses considered, this Court doth order, that caution be taken of Cap^t Lane, to the value

1651.

14 October.
Mr Mathewes
censure.

of 1000^{li}, that it may be responsall to the French for such wronge & injury as vpon due prooffe & tryall shall appeare to be done by him.

This Court, haueinge considered of seuerall thinges both charged & proued agaynst Mr Mathewes, of Maldon, as vsaffe & cronious, doe conceiue that, although the ciuill & churches powers may pceede concerninge offendore in their seuerall wayes without interferinge one with an other, yet in this case, vpon some considera^{ti}ō, they iudge it doth stand with wisdom to haue the churches to act before themselves, & therefore they thinke meete & doe appoynt the church of Maldon speedly to consider of the error Mr Mathewes standes charged with in Courte. And in case, vpon the churches dealing with him, he doth acknowledge his error & vsaffe expressions, & giue satisfaction vnder his hand, so as the secretary, being certified thereof, doe aquaynt the counsell therewith within six weekes, the matter at p^{re}sent may so rest; else the secretary shall giue notice vnto the churches of Cambridge, Charles-towne, Lin, & Readinge to send their messengers in way of counsell & aduise vnto the church of Maldon, (not excludinge any other churches with them,) to debate the doctrines there deliuerd by Mr Mathewes, now in question, that by this meanes the truth may the better appeare, & y^e they psecute the same to effect, according to the rule of Christ, for the convictiō of y^e s^d Mr Mathewes, & helpfullnes of the church of Maldon.

[*320.]

Maldon fined.
Contradi-
ctories:
Capt: Haw-
thorne,
Mr Browne,
Wm. Cowdry,
Esdras Reep,
Mr Clarke,
Cap^t Leueritt,
Ste: Kinsley,
Mr Allen,
Mr Howchen.

Comission^{ers}
for Kettery.

*The Court, hauinge p^{ro}sed an answer of the church of Maldon, touching those things wherein they had giuen offence, are not satisfied therewith, & doe therefore iudge, that the members of the church of Maldon shalbe fined for their offences the sūme of fifty poundes, which shall not extend to any *which shall not extend to any* pson that hath giuen satisfaction to this Court; & doe iudge it meete that the execution should be leuiēd on the estates of Mr Joseph Hill^e, Edward Carringtō, & Joh Wayte, & that they be hereby impowred to make pportion of the s^d sūme on the rest of the members of the church, except before *except* exemption also to such as consented not to Mr Mathewes ordination.

Whereas, by the extent of the line of o^r p^{at}tent, it doth appeare that the towne of Kettery, & many miles to the northward thereof, is comp^{re}hended w^{ith}in o^r graunt, & forasmuch as this Courte hath beene informed, that there hath beene a late endeouour of seuerall psons thereabout^e to draw the inhabitant^e of Kettery, who gouerne now by combination, to petition the Parliam^{ts} of England for a graunt of the s^d place, which the major p^{ar}t of the inhabitant^e refused to doe; many of them expressinge their willingnes rather to submit themselves to the gouernm^{ts} of the Massachusetts^e.

This Court, takeinge into considera^{ti}ō the p^{ro}misses, together w^{ith} the

commodiousnes of the Riuer of Pascaſ, & how pjudiciall it would be to this gouernmt if y^e afforeſd place & riuer ſhould be poſſeſſed by ſuch as are no friendℓ to vs, hath ordred, that a lovinge & friendly t̄re be ſent from this Court to the ſd inhabitantℓ of Kettery, aquayntinge them wth o^r afforeſd right, & comiſſion graunted to M^r Symon Bradſtreete, Major Daniel Deniſon, & Cap^t W^m Hawthorne to treatē wth them, accordinge to inſtructs giuen, to receiue them vnder this gouernment, if termes of agreement can be concluded vpon by mutual conſent; otherwiſe, haueinge made knowne o^r right, & layd clayme to the place, to pteſt ag^t any further pceedingℓ, by vertue of theire combinatⁿ or other intreſt wth ſoever; & M^r Belingham & M^r Symonds to draw vp the t̄re & inſtruction accordingly.

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*In answer to a petition of the inhabitantℓ of Strabery Banke, for the laying out of theire townſhippe & ſeueral other things expreſt therein, this Court thinkes meete to graunt the petitionorℓ all the land betweene Hampton & them, that is not already graunted to townes or perſons, (Squamſet patent excepted.)

[*321.]

Strabery Bank
enlarged.

2^d. That M^r Ambroſe Lane, M^r Brian Pendleton, & Henry Sherbourne are hereby for one whole yeare inueſted with ample power as associatℓ, & be enabled with Cap^t Thomas Wiggan to keepe one Court in a yeare at Strabery Banke, viz^t, at ſuch time as Cap^t Wiggan ſhall appoynt, to try all ciuill & criminall actions, as other Shire Courtes wthin this juridiſtiō doth, & each of y^m power to adminiſter an oath; as alſo the three commiſſionorℓ, or each of them, ſhall haue power to keepe the peace amongst the inhabitantℓ, & to graunt warrentℓ to bringe before them ſuch as ſhall breake the p^{er}ſonall lawes, the p^{er}ſonalties whereof exceede not forty ſhillings, & all offendorℓ whoſe p^{er}ſonalty ſhall exceed that ſume afforeſd to bind ouer to the County Court, or ſend them to ſome magiſtrate, to be pceeded with accordinge to law; & they haue the like power to end ſmall cauſes as three men in townes haue; & for what elſe is men^tōd in the petition, the Court referrℓ it to the next Generall Court of Election, to be conſidered & determined, pvided they haue or ſhall take y^e oath of fidelitie to this goūm^t before they act accordinge to this comiſſion.

Associats.

In answer to the petition of Anna Palgrauē, of Charltow; widow, this Court doth confirme her as the ſole executrix of her late huſband, Rīchard Palgrauē, & doth alſo hereby conferre all her ſd huſbandℓ estate vpon her & her heires for euer, accordinge to the deſire & true intent of the teſtator, expreſt in his will.

Palgraus an-
ſwer.

In answer to the petition of Susanna Raſhleygh, whoſe huſband, departing hence longe agoe, was neuer heard of, this Courte thinkes meete to

Raſhleyghs
anſwer.

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14 October.

Venners answer.

[*322.]

graunt vnto the sd Susanna Rashley a free estate & tittle to the howse & land℥ of her late husband, whereby shee may be enabled to dispose thereof for her best advantage & good.

In answer to the petition of Thomas Venner, for the hearinge of a case betweene M^r Gayner & himselfe, that so he be not hindred in his voyage, *but haue both himself & shipp cleared, it℥ ordred, that the sd shippe be freed, & y^t M^r Venner, or whom else it concernes, giue in securitie of one hundred pound℥ to the County Court, to be responsall to answer M^r Gayner in the action in a court of justice.

M^r Hubbard to marry.

Att the request of the towne of Hingham, Leiv^t Joshua Hubbard is hereby appoynted & authorized to marry such psons there as ar published according to law.

Committee to
pvse Lex
Mercatoria, &c.
Lex Mercato-
ria.

Whereas, in the yeare 1650, there was a committee chosen to pvse a booke called Lex Mercatoria, & to extract from thence such lawes as might be suteable for o^r vse in this common wealth, which sd committee haue not yett mett according as was then concluded, that the sd order may be further psecuted, it℥ ordred by this Court, that the accomplishinge of that worke shalbe referd to M^r Nowell & the auditor generall, who are hereby chosen a committee, & desired to pvse the sd booke, & to collect from thence such lawes as they shall judge meete for o^r vse accordinge as y^t order doth direct, & to make returne thereof to the next Generall Court.

Answer to
Capt. Keayne,
M^r Coggan, &c.

Capt Robt Keayne, M^r Joh Coggan, M^r Newgate, M^r Pen, Samuel Cole, & George Burden, pferinge a petition for releife in respect of vnjust molestation, as they conceiue, from Sagamore George, ptending a tittle to certayne land℥ at or about Rumny Marsh, in answer to which this Court doth order that their petition be graunted, pvided that the petitiono^r℥ lay out twenty acors of good plantinge land in some convenient place, such as this Courte shall approue off, for Sagamor George to make vse off; but if Georg^e Sagamor sell it, the petition^r℥ are to haue the refusall of it. And it is also further ordred, that if the petition^r℥ shall refuse to lay out twenty acors of good planting land, as is before exprest, that then the sd Sagamor is pmitted the benefitt of the law to recouer what right he hath to the land.

Capt. Allen to
pay for powder.

Capt Bozoone Allen, beinge heretofore intrusted wth one barrell of powder by the country, for which he was sued by the surveyo^r generall, & payd ten pounds & five shilling℥, vpon his request to this Court, (in regard of the badnes of the sd powder,) *it was ordred, that he should be allowed fower pound out of the treasury in satisfaction of what was taken from him.

[*323.]

Capt. Haw-
thornes recom-
pence.

In consideration of twenty poundes due to Capt W^m Hawthorne, as be-
ing commissionar for this colonie, it℥ ordred, that by way of satisfaction for

his good service in that place & imployment, he, the sd capit, shall haue all that pcell of land bought of Mr Knowles, lying in Kettery, & abutting on Pascataq Riuer, graunted to him & his heires for euer.

1651.

14 October.

This Court haueinge heard the returne of the comitte appointed to heare & examine the matters dependinge betweene Joh Wicherdon & Mr W^m Aspinwall, contaynd in a petition pferd to this Courte, in answer wherevnto the Court hath past these seuerall votes followinge : —

Wicherdens case.

1. They judge it meete that the sd Wicherdon should haue his execution graunted agaynst Mr Aspinwall.

2. That the sd Wicherdon should haue his bill of cost℥ of two poundes sixteene shilling℥ graunted vnto him, vnles Mr Aspinwall pduce the determination of y^e Court that did abate the same vnder Mr Nowells hand.

3. That Mr Aspinwall shall pay the sd Wicherden another bill of charges for his attendance & his wittnesses for seuen dayes vppon this Court, the sume of two poundes & thirteene shilling℥.

In answer to a petition pferd by seuerall of the inhabitant℥ of Hampton, for releife in respect of vnjust molestation from some psons there ptendinge power for what they doe from Mr Batchelo^r, it℥ ordred, that whatsoeuer good℥ or landes haue ben taken away from any of the inhabitant℥ of Hampton, aforeſd, by Edward Calcord or Joh Sanbourne, vppon ptence of beinge authorized by Mr Batchelo^r, either with or without execution, shalbe returned to them from whom it was taken, & the execution to be cald in, & no more to be graunted vntill there appeare sufficyent power from Mr Batchelo^r to recouer the same, to the County Court℥, either of Salsbury or Hampton.

Hampton's answer.

Whereas the surveyo^r generall did arrest Roger Shaw, of Hampton, for eyght poundes, for a barrell of powder which was due from the towne of Hampton, & the sd Roger Shaw did acknowledge a judgm^t of the same, wherevpon this Court doth order, that the sd Shaw shall haue power to make a leuie vppon the inhabitant℥ of Hampton, for the payment thereof, forthwith.

Powder fro Hampton.

*Mr Thomas Gayner pferinge a petition contayning seuerall complaynt℥ of wronge & injury done him by Mr William Aspinwall & Edward Bendall, in reference to seuerall account℥ about his shippe, which the Court haueinge referd to a comitte to be examined, they returne as followeth : —

[*324.]

Gayners answer.

1. That whereas fve things are moued for in the petition ; first, for execution for 29^{li} 7^s 9^d, although Mr Gayner hath receiued fve pound℥ thereof, yet he shewes not any right he hath to it to demaund the same.

2^y. To the 24^{li} 5^s 6^d he sues for, payd them, as Mr Aspinwall & Mr Bendall say, by contract for atturnyshipe & trouble for the seamen, we se not that any thinge thereof pteyned to him, the sd petition^r.

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14 October.

3^d thinge he sues for is, that the sd Aspinwall & Bendall may giue in accō vpon oath. We find they haue done so by the testimony of M^r Nowell.

4th. For their bringinge receit^l w^{ch} M^r Gayner sues for, we find vpon record a receit & discharg from the seamen to Major Generall Gibbons, who bought the shippe, & that M^r Aspinwall & Bendall are not, as attorneyes, lyable to pduce them to M^r Gayner, except he was attorney to the seamen.

For the last, to haue libtie to pceede in common law, we know not but y^t the law is open, havinge cause & power to sue by.

This retorne of the committee the Court doth order shalbe the answer to M^r Gayners petition.

Springfeilds
libertie.

Vpon a motion of the deputy of Springfeild, in the behalf of their towne, it^l ordred, that the inhabitant^l of Springfeild afore^{sd} shall be at their libtie whether they will send any deputie at the latter sessiō of this Court, from yeare to yeare.

Douers fine
respitied.

The inhabitant^l of Douer being vnder a fine, 10^{li}, for neglecting to send a deputie to this Court, vpon the request of M^r Maud hath their fine respited, & not to be levied till the next Court of Election, that the Court may judge of Douers answer.

Douer no dep-
uty.

There being no deputy appearing from the towne of Douer, neither this nor the last session of this Court, this Courte thinkes meete, & doe therefore fine them ten pound^l for their neglect.

Newbery en-
aigne.

Whereas it was ordred, the last session of this Court, that the towne of Newbery should goe to a new election for their ensigne, in respect the last choyce was not cleare, which accordingly they haue done, & hane legally made choyce of Benjamin Sweete, which, vpon their request, this Court doth *doth* aproue of for y^t place, & hereby confirms him therein.

[*325.]

Emeryes an-
swer.

*In answer to the petition of Joh Emery, of Newbery, power is hereby graunted him, according to his desire, to sell a certayne land which was left to three of his wiues children; & also a howse & six acors of land which was bound to make good twenty pound^l to other three of her children, pvided he giue securitie to the County Court at Ipswich to pay y^e children the full prise the land shall be sould for, & make the three childrens twenty nobles a peece eight poundes a peece, & pay the daughters their portions at eightene yeares, & the sonnes at twenty one yeares old.

Reddinge en-
larged.

In answer to the petition of the inhabitant^l of Reading, this Court doth graunt them, as an addition to their former bound^l, a certayne tract of land about two miles content, lyinge betweene M^r Bellinghams farme & the great riuier, & so to joyne to their former fower miles graunt, so as it hath not beene already graunted to any towne or person, nor pjudiceinge any former graunt.

In answer to the petition of Dorothe Lamb, Elder Isaake Heath, & Joh Johnson, who haue sould a certayn peell of land, contayning three quarters of an acor, pt meddow, pt vpland, vnto William Parkes, William Cheyney, Thomas Baker, & Mary Wooddy, this Court doth ratifie & confirme the sd sale, according to theire desires exprest in their petition. 1654.
14 October.
Lams an-
swer.

There beinge a tre psented to this Court vnder the hand of Mr Pococke, wherein it appeares the country is debter to him to the value of fifty pound℥ for goods longe since sent ouer for the countryes vse, that due satisfaction may be made as is desired, it℥ ordred, that the Treasurer shall pay the foreśd fifty pound℥ to whomsoever shalbe authorized to receiue the same. Mr Pococke
to be payd.

In the case betweene Capṯ Joh Wall & M^r Thomas Ford, after the Court had fully heard what the parties could say, the Court determined that Capṯ Joh Wall should giue securitie to satisfie M^r Thō Ford, his heires, execut^{rs}, or assignes, the sume of three thowsand three hundred forty & one pound weight of sugar, at the Barbados, by the last of June next, abateinge fower p cent for the payment thereof at y^t time; & it is ordred, that the clarke of the County Court at Cambridge shall deliuer vp to Capṯ *John Wall, or his assignes, the originall band w^{ch} was deliuered into the sd Courte; & for the charges of the Court for the time expended in hearing y^e cause, the Court is willinge to remitt it, being they are both strangers, & not aboue two howers in hearinge. Capt. Walls
case.
[*326.]

In the case betweene Capṯ John Wall & M^r Henry Groome, after the Court had heard fully what the parties could say, the Court determined that M^r Henry Groome, accordinge to the order of the County Court in Cambridge, should be execut^r to the last will of his brother, M^r Nich^e Groome, & y^t Capṯ John Wall should surrender all the good℥ & estate belonginge to the sd Nicholas Groome to the sd Henry Groome, y^e sd Henry Groome giueing in securitie to the sd Capṯ John Wall to saue him harmles from all his engagment℥ to M^r John Daniell, of Redrest, one hundred & three poundes whereof is satisfied to the sd Groome, & that the attatchment ag^t Capṯ John Wall, to answer the sd Henry Groome at the next County Court for the same, be deliuered vp to the sd John Wall agayne. Henry Groome
executor to N.
Groome de-
ceased.

Whereas this Court did graunt vnto the towne of Roxbury 4000 acors of land, 267 whereof was assigned to M^r Denison, the which he, by a deede as yet appearinge, gaue vnto his son, Majo^r Daniel Denison, vppon whose request this Court doth confirme the sd graunt, & in consideration thereof, as also theire favour to him, doe graunt to him & his heires, for euer, six hundred acors of land, where it may be found, according to law. Major Denison's
land.

Vppon the petition of Jane Guy, widdow, liberty & power is graunted to Jane Guyes
answer.

1651.

14 October.

Mr Winthrop's
gratuity of 40^s.Mr Endecott's
graunt.

[*327.]

Capt. Gerish to
marry.Answ. to Mr's
Tomson.

Lewes ansr.

Answ. to
Milam.
Seaberics.Haughtons
answr.

her to sell such lands & howsing as was left her by her late husband, Nicholas Guy, to satisfy a debt of forty pound℥ owing at his death, & the rest of his estate is settled.

Mr John Winthrop, beinge debter forty pound℥ to the country for Docto^r Child℥ fine, hath the sd forty pound℥ giuen him in consideration of service done for this country in England.

Vpon the request of o^r p^sent Gouverno^r, Joh Endecott, Esquire, this Court doth graunt him three hundred acors of woodland, tendinge to the furtherance of a copper worke he intend℥ to *set vp in a place called Blind Hole, neere to a farm formerly graunted him, the sd land not beinge formerly graunted, p^rvided he set vp his sd workes within seuen yeares.

Vppon the request of the inhabitant℥ of the towne of Newbery, Cap^t W^m Gerish is appoynted to marry such as shall be published according to law in that towne.

Anne Tompson, late wife of Symon Crosby, of Cambridge, p^sentinge a petition, consisting of diuers p^ticulars, viz^t, pardon for not proueing her husband℥ will in season, lib^tie of administratiō to his good℥, confirmation of her childrens portions as they were agreed vppon by the elders & deacons of Cambridge, as also liberty to sell the house & land℥ of her late husband; all which this Court, havinge considred of, thinke meete to graunt, p^rvided shee put in good securitie to the Court at Cambridge to pay the childrens portions according to agreement.

Mr Samuell Symonds, vppon his request, hath three hundred acors of land graunted him, with the timber therevppon, beyond the Riuer Merrimacke, where it may be found in the power of the Court to graunt, so as he or his assignes set vp a saw mill within the space of seuen yeares.

In answer to the petition of John Lewes for fifty shilling℥ expended toward℥ the mayntenance of Mr^s Cole, its ordred, that his petition be graunted, & fifty shilling℥ payd out of the next leuie, it beinge the last the country is like to pay for her, whose extremity was such as deserued pytty.

John Milam, by order of John Seaberics wife, he also approueinge of the same, made sale of a certayne howse to Alexander Addams for forty five pound℥ payd, the other ten to ^{be} ready to be payd vppon confirmation of the tittle, which, vpō his request, this Court thinkes meete to graunt, p^rvided the sd ten pound℥ be secured from Alexander Addams to the next County Court, to be in a readynes on all demand℥ to be deliuered to the true heire of the sd Seaberie.

In answer to the petition of Katterine, the now wyfe of Richard Haughton, for advise concerninge the disposing of her former husband℥ estate, it℥

ordred, that the petition^r should haue libtie & power to sell her s^d husband℥ howse to satisfy the debt℥, *as is desired, & administration is graunted to the petition^r; & what remaynes of the nynteene pound℥ in the inventory exprest should be to the benefit of the woman for bringinge vp of the two children.

Whereas the Court & jury did not agree in Crosmans case, who is now a prisoner for blasphemy, & so, it necessarylie cominge to this Court to be determined, the Court, on a full hearinge of the case, vppon the evidence giuen in, doe order & determine as follows, viz^t: that the s^d Crosman be seuerely whipt in open market place, & immediately after to be burnt in his forehead with the letter : B :, & also to be banished for euer out of o^r jurisdiction.

1651.

14 October.

[*328.]

Crosmans case.
sure.

This Courte doth judge it meete, & is willinge, that all patience be exercised towards M^r W^m Pinchon, that, if it be possible, he may be reduced into the way of truth, & that he might renounce the errours & hæresies published in his booke; & for that end doe giue him time to the next Generall Courte in May more throughly to consider of the s^d errors & hæresies in his s^d booke, & well to weigh the judicious answer of M^r John Norton thereto; and that he may giue full satisfac^o for his offence, which they more desire then to pceede to so great a censure as his offence deserues, in case he should not giue good satisfaction, the Court doth therefore order, that the judgm^t of the cause be suspended till the Generall Court in May next, & that M^r W^m Pinchon be enjoyned, vnder the pœnalty of one hundred pound℥, to make his personall appearance at & before the next Generall Court, to giue a full answer to satisfaction, (if it may be,) or otherwise to stand to the judgm^t & censure of the Courte.

M^r Pinchons case.

It is ordred, that the judgm^t of ten poundes graunted by this Courte ag^t M^r Marmaduke Mathewes, the execution thereof shalbe respited till other goodes appeare besides bookes.

M^r Mathews fine respited.

M^r Richard Leader, beinge acused by Theodore Atkinson & W^m Wilcockes for some blasphemous expressions vttered in his passage betwixt this & England, it was put to the vote whether the s^d M^r Leader was to be responsall for what was evidenced ag^t him in this jurisdiction, the wordes beinge spoken neere about the midway betweene this & England, & it was resolved in the negatiue, & so he was freed from his bond℥ for appeareance, & likewise from his bond for good behaviour.

M^r Leader acused.

M^r W^m Aspinwall, beinge accused for charginge the Court & jury to goe ag^t law & conscience in *makeinge the landlord to pay rent to the tenant, which the Courte, haueinge heard & examined, doe order & determine as

M^r Aspinwalls case.

[*329.]

1651.

14 October.

Recorder for
Suffolke.Clark of y^e
writts for Bos-
ton.

followes, viz^t: that from henceforth the sd M^r Aspinwall shalbe suspended from the exercisinge the office of recordo^r, or clarke, in any County Court, as also to pay the sume of thirty shillingℓ to the jury for theire attendance & entringe the petition, & for the attendance of two wittnesses, fower shillinges; &

Itℓ ordred that M^r Edward Rawson, secretary to the Generall Court, shall henceforth be recorder for the county of Suffolke, & that M^r Aspinwall shall deliuer him all the records belonginge to the sd county.

Itℓ ordred by this Court, that, vppon the request of the inhabitantℓ of Boston, Jonathan Negoos shalbe aproued of as clarke of the writtℓ for that towne, in the roome of M^r Aspinwall, who is hereby ordred to deliuer him the recordes of deathes, birthes, & mariages, as belonginge to that office.

1652.

27 May.

[*330.]

**Att a Court of Election, held at Boston, the 27th of the 3^d Moth, Anno 1652.*

Where was chosen

John Endecott, Esq^r, Gouverneur.

Thomas Dudley, Esq^r, Dep^t Gouverno^r.

Asistantℓ: Richard Bellingham, Esq^r,

Increase Nowell, Gen^t,

Symon Bradstreet, Gen^t,

Samuel Symonds, Gen^t,

William Hibbens, Gen^t,

Cap^t Rob^t Bridges, Gen^t,

Thomas Wiggan, Gen^t,

John Glouer, Gen^t,

Cap^t Daniel Gooken, Gen^t.

Rob^t Sedgwicke, Esq^r, Majo^r Generall.

Symon Bradstreet and } Gen^t, Com^{is}siono^rℓ for this colonie.
Cap^t W^m Hawthorne, }

Edward Rawson, Gen^t, chosen Secretary.

Richard Russell, Gen^t, chosen Treasurer.

The names of the Deputyes:—

Salem: Cap^t W^m Hawthorne, M^r Henry Bartholomew.

Charlstowne: M^r Richard Russell. Cap^t Leiu^t Norton.

Dorchester: Leiu^t Roger Clapp, Hopstill Foster.
 Boston: Cap^t Joh Leucritt, Leiu^t Th^o Clarke.
 Roxbury: M^r John Johnson, M^r Edward Denison.
 Watertowne: M^r Richard Browne, M^r Ephraim Child.
 Linn: M^r Th^o Layton.
 Cambridge: M^r Edward Jackson.
 Ipswich: Major Daniel Denison, M^r Joh Whipple.
 Newbery: Cap^t W^m Gerish.
 Waymouth: Henry Kingman.
 Hingham: Cap^t Bozoone Allen, M^r Jeremiah Howchen.
 Concord: Cap^t Symon Willard.
 Dedham: Cap^t Eleazer Lusher.
 Salisbury: M^r Th^o Bradbury.
 Hampton: Roger Shaw.
 Rowley: Joseph Jewett, Maximilian Jewett.
 Sudbury: Edmund Rice.
 Brauntry: Stephen Kinsley, Samuel Bass.
 Douer: M^r Valentine Hill.
 Glouc^e: Robert Tucker.
 Wooburne: Cap^t Edward Johnson.
 Wenham: M^r W^m Fiske.
 Hauerill: M^r Rob^t Clement^l.
 Readinge: W^m Cowdry.
 Springfield: M^r W^m Davis.
 Maldon: M^r Joseph Hills.
 Meadfeild: Tymothy Dwite.

Major Daniel Denison chosen Speaker for the session.

W^m Torrey chosen Clarke for the yeare ensuinge.

M^r Ephraim Child & Joseph Jewet chosen Stewards for the yeare ensuinge.

THE Holy Scriptures of the Old & New Testament being written by the prophet^l, apostles, & holy men of God, inspired **inspired* by the Holy Ghost, contayninge in them the infallable & whole will of God w^{ch} he purposed to make knowne to mankind, both for his owne worshipp & service, & also for the instruction, obedience, fayth, & saluation of man, w^{ch} yet by hæretick^l in former ages, & now of late by others, haue beene oppugned & denyed so to be, which, if conniued at, would manifestly tend to the ouerthrow of all true religion & saluation, ffor the p^{re}vention of so haynous a crime, it is therefore hereby ordred & enacted, that what pson or psons soeuer p^{re}ssinge the Christian religion, aboue the age of sixteene yeares, that shall within this jurisdiction wittingly & willingly at any time, after the publication of this order, deny, either by word or writing, any of the bookes of the Old Testament or New, viz^t, Genesis, Denying the Holy Scriptures, penalty.

1652.

27 May.

Denyers of
 Scriptures.
 [*331.]

1652. Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, Samuel, Kinges, Chronicles, Ezra, Nehemiah, Hester, Job, Psalmes, Proverbs, Ecclesiastes, the Song of Soloman, Isaiah, Jerimiah, Lamentations, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habacucke, Zephaniah, Haggai, Zachariah, Malachi, Mathew, Marke, Luke, John, the Act[℥] of the Apostles, the Epistles to the Romans, Corinthians, Galatians, Ephesians, Philipians, Colossians, Thessalonians, Tymothy, Tytus, Philemon, to the Hebrewes, the Epistle of James, Peter, John, or the Reuelation, to be the written & infallable word of God, or if any pson, as affore^{sd}, belonginge to this jurisdiction, shall committ the ^{sd} crime vppon the sea, not beinge or belonginge to the jurisdiction of any other common wealth, shalbe forthwith apprehended by y^e next officer or officers, whether marshall or cunstable, or their deputies, who shall haue power so to doe by warrent from any one of the magistrates, & shalbe committed to y^e prison, at Boston, without bayle or maynprise, there to be safly kept till the next County Court, where, vppon sufficyent testimony brought agaynst the ^{sd} delinquent, he shalbe adjudged for his offence; after legall conviction, to pay such a fine as the Court, which shall have cognizance of the crime, shall judge meete, not exceeding the sume of fifty poundes, or shalbe openly & seuerely whipt by the executionor, whether cunstable or any other appoynted, not exceeding forty stroakes, vnles he shall publickly recant before his sentence, which if he doe, he shall not pay aboute the fine of ten pound[℥] to the Treasurer, for the vse of the common wealth, or be whipt in case he pay not the fine. And it is further ordred & enacted, that if the ^{sd} offendo^r, after his recantation, sentence, or execution, shall the second time publish & obstinatly & pertinaciously mayntayne the ^{sd} wicked opinion, he shall be banished or put to death, according as the Court shall judge.

[*332.]

Evidences to
be faire writ-
ten.

*There beinge complaynt made to this Court concerning evidences which are often p^sented to o^r court[℥] of justice, beinge hardly legible by reason they are so badly written, & many times much false English appeares in them, so y^t they are altogether vnfitt to be kept vppon file, for the rectifying whereof, it is ordred by this Court, that henceforth it shalbe left to euery Court, magistrate, or commissiono^r to order & regulate what they shall judge meete concerninge the same.

Ipswich prison.

Whereas there is only one prison in this jurisdiction, & very inconvenient to send psons so farr remote to the prison at Boston, when there is occasion, it [^]therefore hereby ordred, that there shalbe an other prison erected in this jurisdiction, & that to be at Ipswich; & that there shalbe allowed by the country forty poundes for the effectinge the same; & the worke to be caried on & managed by the select men of the ^{sd} towne.

Whereas, in the late order made agaynst excess in aparill, in the 8th moth last, that clause in the first draught, viz^t, (or silke hoodes or scarfes,) was, through ouersight in the transcribinge, omitted, this Court doth therfore order, that the foreſd clause be added to, & vnderstood to be as a part of the law afforeſd.

1652.

27 May.

Addition to the law about aparill.

It is ordred by this Court & the authoritie thereof, that the printed order about money shalbe in force vntill the first of the seuenth moth next, & no longer; and that from & after the first of September next the money hereafter appoynted & expressed shalbe the current money of this common wealth, & no other, vnles English, except the receiuers consent therevnto. In pſuance of the intent of this Court herein, be it further ordred & enacted by the authoritie of this Court, that all pſons whatsoever haue libertie to bring in vnto the mint howse, at Boston, all bullion, plate, or Spanish coyne, there to be melted & brought to the allay of sterling siluer by John Hull, master of the ſd mint, & his sworne officers, & by him to be coyned into twelue pence, six pence, & threepence peeces, which shalbe for forme flatt, & square on the sides, & stamped on the one side with NE, & on the other side with xii^d, vi^d, & iii^d, according to the value of each peece, together with a priue marke, which shalbe appoynted euery three monethes by the Gouvernor, & knowne only to him & the sworne officers of the mint: & further, the ſd master of the mint *afforeſd is hereby required to coyne all the ſd money of good siluer of the just allay of new sterling English money, & for value to stampe two pence in a shilling of lesser valew then the pſent English coyne, & the lesser peeces pportionable; and all such coyne as aforeſd shall be acknowledged to be the current coyne of this comon wealth, & pass from man to man in all payment℥ accordingly, within this jurisdiction only. And the mint master, for himselfe & officers, for their paynes & labour in meltinge, refininge, & coyninge, is allowed by this Court to take one shillinge out of euery twenty shilling℥, w^{ch} he shall stampe as afforeſd. & it shalbe in the liberty of any pſon who bring℥ into the mint howse any bullian, plate, or Spanish coyne, as afforeſd, to be pſent, & se the same melted, refined, & allayed, & then to take a receipt of the master of the mint for the weyght of that which is good siluer, allayd, as aforeſd, for which the mint master shall deliuer him the like weight in current money, viz^t, euery shilling to weigh three penny troy weight, & lesser peeces proportionably, deducting allowance for coynage, as before exprest. And that this order, beinge *being* of so great concernment, may not in any perticuler thereof fall to the ground, it is further ordred, that Mr Richard Bellingham, Mr W^m Hibbens, the pſent secretary, Cap^t John Leueritt, & Mr Thomas Clarke be a comittee appoynted by this Court to

Order about money.

Coining money at the mint.

[*333.]

Mint business.

1652.

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A law about
juries.

[*334.]

To prevent
theft.

appoynt the mint howse in some convenient place in Boston, to giue John Hull, master of the mint, the oath suteable to his place, & to approue of all other officers, & determine what else shall appeare to them as necessary to be done for the carying an end of the whole order, & that all other orders concerning the valuation or coyning of money past this Court shalbe repealed.

It is ordred & enacted by this Court & the authoritie thereof, that, after the end of this p^{re}sent session, all actions of a ciuill nature shall be tried, in all Court^e within this jurisdiction, by the judges of the s^d Court, without a jury, except it be desired by the playntife or defendant, in which case it shalbe graunted, p^{ro}vided that the party that shall desire a jury shall pay the charges of the jury, viz^t, twenty shilling^e for euery action in all County Court^e & Court^e of Assistant^e, to the clarke of the Court, at the time when he makes knowne *his request; & it is ordred, that juro^re for the triall of such cases as afore^sd may be taken out of three or fower of the next towes only, notwithstanding any former law or order to the contrary, which s^d 20^s shalbe assessed in cost^e vppon the party agaynst whom the judgment shalbe awarded. & for the more orderly p^{re}ceeding with & wthout juryes in one & the same Court, it is ordred, that such as desire to haue their cases tried by juryes shall giue notice thereof to the secretary or clarke of y^t Court^e where the action is to be tried, fower dayes inclusiue before the Court, to the end that a jury may be p^{ro}vided; & the s^d secretary or clarke shall enter such actions the day before the Court, or on the first day of the Court before the sitting thereof, that so they may be first tried, & the jury discharged; & the parties whom it may concerne shall take care for the timely paying of the entry of the action & charges of the jury at their pill, & y^t if any p^{er}son desire to haue a jury in speciall Court^e, he shall pay the juro^re fower shilling^e a day, as in y^t law is p^{ro}vided.

For the better p^{re}vention of theft, a sinne of late much growinge vppon, & whereas the former lawes agaynst theft hath only p^{ro}vided for the dammage of the wronged party, it is therefore ordred by this Courte & the authoritie thereof, that what person whatsoever shall steale from any p^{er}son any coyne, goodes, or chattles, to the value of ten shilling^e or vppward^e, shall be whipt, or pay such a s^ume of money as the Court or magistrate that hath prop^{er} cognizance thereof shall adjudge to be suffycient to satisfie all costs & charges of the Court & countrie, in p^{er}secuteing & tryinge the s^d offendo^r, to the vse of the common treasury; and for smaller theft^e it is left to the discretion of the judge or judges that shall haue cognizance of the crime to appoynt smaller mulct^e, or punishment^e, or any legall admonition, as they shall find cause; & further, it is ordred & declared, that, when any good^e are stolne from any p^{er}son, the

constable of the towne, by warrent from authoritie, shall search for the same in any suspected places, or howses, & vpon search, or otherwise, if he shall find the same, or any part thereof, or any ground of suspicion appearinge to the offico^r, he shall bringe the delinquent, or suspected party, to a magistrate, to be pceeded with according to the law; and if any pson, having goodes stolne from him, shall priuately receiue his sd stolne goodes, (except the fact be priuate, or committed by some member of his owne family,) & so smother the theft, & shall not legally psecute the offendo^r, he shall forfeite to the common treasure the goodes or chattles so receiued, or the true value thereof.

It is ordred by this Court & the authoritie thereof, that if any pson or psons, repayreing to any publicke officer of this jurisdiction, to view any record, or other writeing committed to his charge, shall wittingly & willingly deface or read any such record or writeing, vpon complaynt of such officer to any magistrate, & profe by oath of the sd officer, euery pson so offending shall forfeit to the party concerned therein treble the dammage y^t might haue ensued or accrewed to him or them thereby, & shall also be fined as much to the country, or suffer two monethes imprisonment without bayle or maynprise, or stand in the pillory two howers in Boston market, wth a paper ouer his head in capitall letters, A DEFACER OF RECORDS, the speciall or p^ticular punishment to be determined by the next County Court where the offence was committed, & shall also stand bound to the good behavio^r dureing the pleasure of the Court.

Forasmuch as diuers inhabitant^l within this jurisdic^o, who haue longe contynned amongst vs, receiueing p^tection from this gouernment, haue, as we are informed, vttered offensiuie speeches, whereby theire fidelitie to this gouernment may justly be suspected, and also that diuers straungers of forraigne part^l, of whose fidelity we haue not that assurance which is commonly required by all gouernment^l, it is therefore ordred by this Court & the authoritie thereof, that the County Court^l, or any one magistrate out of Court, shall haue power, & is hereby authorized, to require the oath of fidelitie of all settled inhabitant^l amongst vs who hath not already taken the same, as also to require this oath vnder written of all straungers who, after two moneths, haue theire aboade here; & if any pson shall refuse to take the respectiue oath, he or they shalbe bound ouer to the next County Court, or Court of Assistant^l, where if he shall refuse, he shall forfeit fve pound^l a weeke for euery weeke he shall contynue in this jurisdiction after his sd refusall, vnles he can giue sufficient securitie to the satisfaction of the Court, or magis^t, for his fidelitie dureing his or theire residence amongst vs; the oath to be as followes: I doe acknowledge my selfe subject to the lawes of this jurisdiction dureing my residence

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27 May.

[*335.]

Records, penalty for defacing.

Oath of fidelity for straungers.

[*336.]

1652.

27 May.

Burning
howses made
fellony.

vnder this gouernment, and doe here sweare, by the name of God, to be true & faythfull to the same, & not to plott, contriue, or conceale any thing that is to the hurt or determent thereof. So help, &c.

Whereas some dwellinge howses, & other howses within this jurisdiction, haue benne set on fire, & the meanes or occasion thereof not discouered, though some psons haue been vehemently suspected to haue been instrumentall therein, the Court, takeing into consideration the daunger of such a wicked enterprise, especially in townes where the howses are neere adjoyninge, & there being yet no law pvided for the punishment of so heinous a crime, doth therefore hereby order, & be it enacted by the authoritie of this Court, that any pson or psons whatsoever, of the age of sixteene yeares & vpward℥, that shall, after the publication hereof, wittingly & willingly set on fire any barne, stable, mill, outhowse, stackes of wood, corne, or hay, or any other thinge of like nature, shall, vppon due conviction by testimony or confession, pay double dammage to the party damnified, & be severely whipt; and if any pson of the age afored̄ shall, after the publication hereof, wittingly, willingly, & feloniously set on fire any dwelling howse, meeting howse, store howse, or shall, in like manner, set on fire any outhowse, barne, stable, leantoo, stackes, or corne, hay, or wood, or any thinge of like nature, whereby any dwelling howse, meeting howse, or storehowse comes to be burnt, the party or parties vehemently suspected thereof shalbe apprehended by warrent from one or more of the magistrat℥, & committed to prison, there to remayne without bayle till the next Court of Assistant℥, who, vppon legall conviction, by due profe or confession of the crime, shall adjudge such a pson or psons to be put to death, & to forfeit so much of his land℥, good℥, or chattles as shall make full satisfaction to the party or parties damnified.

Mault to be
cleansed.

It℥ ordred by this Court, that no maulster, or maker of mault, after publication hereof, shall deliuer or pass away any mault, by him or his pcurment made, before it be clensted from the dust & tayle which arising in the makeing, drying, & ordring of it in his hande, on pœnalty of 12^d a bushell, vppō legall conviction before any magistrate or Court, the one halfe to the informer, the other halfe to the country.

[*337.]

A law about
troopers.

*The Court beinge informed that seuerall psons gaue in their votes for the choyce of cap̄t, lieūt, cornet, & other officer℥ of Suffolke, who were not freemen, nor had tooke the oath of fidelitic, they cannot approue of such, their choyce being contrary to law, but iudge it meet that the seuerall troop̄r℥ should pceede to a new election of cap̄t, lieūt, cornet, quarter m̄r, &c, & p̄sent such psons that shalbe legally chosen to the next County Court, to be confirmed & approued off.

It^e ordred by this Court, that the choyce of a serg^t major for the regiment of the county of Suffolke be suspended untill after the next session of this Court.

Whereas captaynes, leutenant^e, & ensignes haue bin hitherto exempted by law from constables watches, it^e ordred by this Court, that henceforth the serg^t of the seuerall companyes shall haue the like liberty to be freed from constables watches.

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Choyce of a
major sus-
pended.

Sergeant^e
exempted fro
watchinge.

Troopers liber-
tie.

It is ordred by this Court & the authoritie thereof, for the encouragment of those who haue, or shall hereafter list themselves for trooper^e in any county of this jurisdiction, that they shall haue all priuiledges formerly graunted still contynued; & that such souldyer^e listed, amounting to the number of thirty, shall be accompted a troope, & haue liberty of choyce & nomination of capt^e, leiu^t, cornet, & quarter master, who, being allowed by the authoritie of the Court, shall stand by comission, & all other inferior officer^e to be chosen by the company & established by the cheife commander of the troope; & that all such trooper^e shall keepe a good horse, & well fitted with saddle, bridle, holster^e, & pistoll^e, or a carbine, & sword, & hauinge listed his horse, shall not alter nor put him off without licence from the commaunder in cheife; & the sd troop shall be exercised accordinge to law.

Whereas there is no time exprest by law when the constables watch shall begin & end, it is therefore ordred & enacted by the authoritie of this Court, that henceforth all constables watches, in euery towne within this jurisdiction, shall begin the first of May & end the last of September, vppon the paine or pœnalty of fiue pounds vppon euery constable neglecting. *And it shalbe the speciall care of euery constable to se that the watch be so warned, that it may not consist of all or the greater part youthes, but that able men be joyned with them; pvided, that it shalbe in the power of the select men of Boston, Charlstowne, & Salem to giue order to the constables of their seuerall townes to begin their watches sooner, and to contynue them for longer time, as they shall se occasiō.

Law for watch-
inge.

[*338.]

Whereas it hath been evidenced vnto this Court, that much damage hath formerly arisen to march^t tradeing hence, by bad makeing of fish, & the credite of o^r trade there in hath much suffred, tending to the pjudice of o^r commerce with other nations; wherefore it is ordred & enacted by this Generall Court & the authoritie thereof, that at euery fishing place w^{thin} this jurisdiction, some discreet & honest pson be appoynted by the County Court, vnto which such fishing place doth belonge, & those psons so nominated & appoynted are by this Court impowered to giue the oath, hereafter exprest, vnto such psons as shalbe chosen by the deliuer^e of any fish, who haue libertie

Fish to be
viewed.

Fish viewers
established.

1652.

27 May.

hereby, either of them, to choose one or more sufficient & knowing men, in such cases, to view what fish is deliuered & receiued, which viewers shalbe sworne as afforeſd, & what fish they approue off as marchable the receiuer shall accept, & what is refuse fish shall be cast by; & the ſd viewers, for their labours & paynes afforeſd, shalbe allowed one penny p kentall for so much marchable fish as he or they shall view, to be payd one halfe by the deliuerer, the other halfe by the receiuer. & for further direction to viewers in triall of fish, it is hereby ordred, that all sunne burnt, salt burnt, & dry fish that hath been first pickled shalbe judged vnmerchantable fish.

The viewers
oath.

You shall sweere, &c, that you shall impartially view such fish as is presented before you, & determine what part thereof is merchantable, & what part is refuse fish, & vnmerchantable, according to yo^r best skill, knowledge, & judgm^t. So help you, &c.

To p^rvent de-
ceite in baker^y.

[*339.]

Whereas it appeares to this Court that there is much deceite vsed by some baker^ſ & other^ſ, who, wth the clarkes of the market^ſ comes to weigh their bread, pretend they haue none but for their owne vse, & yet *afterwards put their bread to sale, which, vpon triall, hath been found to light; for p^rvention of such abuses for time to come, it is ordred by this Court & the authoritie thereof, that all p^rsons within this jurisdiction who shall vsually sell bread, within doores or without, shall at all times hereafter haue all their bread, that they either put to sale or spend in their families, made of assizes, marked & yeelded to triall of the afforeſd clearkes, as is directed for bread, by order of this Court, in the printed booke, pag 3, tytle Bakers, & vnder the penalties therein exprest.

About the neg:
vote.

Whereas there is a manyfest & inconvenient mistake in the pening of the order, tytle Generall Court, pag 8th of the last printed booke, that leaues all or most of the cases formerly issued in the Generall Court doubtfull & vn-certaine, & takes away the negatiue vote both of magistrates & deputyes, in making lawes as well as in cases of judicature, which was not intended, much less consented to, it^ſ therefore ordred by this Court, that the ſd law be repealed, & in steed thereof this ensueing order established: It is ordred by the authoritie of this Court, that for tyme to come, if there fall out any difference betwixt the Magistrates & the Deputyes, in any case of judicature, either ciuill or criminall, it shalbe determined by the mayo^r part of the whole Court.

Lymitations of
indym^t &
complaynt^ſ.

It is ordred, & by the authoritie of this Court enacted, that no person shalbe indited, presented, informed agaynst, or complayned of, to any Court or magistrate within this jurisdiction, for the breach of any poenal law, or any

other misdemenor, the forfeiture whereof belongeth to the country, vnles the ſd inditement, pſentment, information, or complaynt be made & exhibited within one yeare after the offence be committed; & if any ſuch pſentment, inditement, information, or complaynt be not made within the tyme lymited, then the ſame ſhalbe voyd & of none effect; pvided alwayes, that this law ſhall not extend to any capitall offences, nor any crimes that may concerne loſſe of member, of baniſhment, or to any treasonable plottſ or conſpiracies ag^t the commonwealth, nor to any felonies aboue ten ſhillings; nor ſhall it hinder any pſon grieved for any wrong done to him or his wife, children, ſervantſ, or eſtate, reall or pſonall, but that euery ſuch pſon ſhall haue ſuch remedies as formerly he might or ought to haue. This law not to be of force till after the firſt of September next.

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*This Court, hauing pſeſed a paper pſented by ſeueral gentlemen concerning the ſetting of trade, & the well improuement thereof, doth thankfully accept of their paynes & good endeouours therein, & doe therefore thinke it meete to elect a counſell, as is ſuggeſted, to make a triall of what, with Gods bleſſing; may be effected; to which end this Court doth deſire M^r Nathaniel Duncan, of Boſton, M^r Thomas Broughton, M^r Nicholas Daviſon, M^r Richard Ruſſell, Cap^t Thomas Clarke, & Cap^t Thomas Sauage, to be the counſell to conſider of all ſortes of tradeing, & to conſult about the beſt wayes of improueing the ſame, & to meete together in ſome place in Boſton or Charleſtowne, where themſelues ſhall appoynt, & hauing agreed of ſuch thingſ as they conceiue to be good & pfitable for the aduance of tradeing, to pſent the ſame to the next following ſeſſion of the Generall Court, to be approved of, if y^e ſd Court ſee it good.

[*340.]

To regulate
tradeing.

Whereas the right ordering & ſetting of the militia of this commonwealth is of great concernment vnto the welbeing thereof, & that a time of peace, through the good hand of God, giues liberty therevnto, it is therefore ordred by this Court & the authority thereof, that no company of ſouldierſ, in any towne within this iuriſdiction, (except thoſe already allowed of,) ſhalbe accounted a foot companie to enjoy the priuiledge of election & nomination of cap^t, leiū, & enſigne, or any of them, vnles they be compleatly full, to the number of ſixty fower perſons, beſides ſuch officers to be choſen; & y^e in all townes & places where there is to that number of ſixty fower liſted, & by law tyed to attend all ordynary trayning, they ſhalbe accounted a foot companie, & enjoy thoſe priuiledges; & where there is or ſhalbe a leſſe number then aboue ſpecified, they ſhall haue liberty to chooſe ſergeantſ & other inferio^r officers; which, being ſo choſen, ſhall inſtruct thoſe ſouldiers, & trayne them in the vſe of armes, eight dayes in the yeare; & the majorſ

For ſetting the
militia.

1652.

27 May.

[*341.]

Militia.

of the seuerall regiment℥ shall haue power to order & regulate the smaller townes, & to joyne them into one compleat company, which shall haue liberty of the choyce of all officer℥ as afforeṣd. And it is further ordered by this Court & the authoritie thereof, that all Scotsmen, *Neger℥, & Indians inhabiting with or servant℥ to the English, from the age of sixteene to sixty yeares, shalbe listed, & are hereby enjoyned to attend trayninges as well as the English, & that euery company shall haue two drumers; & it is further ordered by this Court & the authoritie thereof, & be it hereby enacted, that where in any towne or plantation within this jurisdiction, the number of trayned souldyer℥ listed, & by law are to attend constant trayning℥, shall arise to the number of 200 men, that then such souldyer℥ shalbe devided into two companies; if to three hundred, then to deuide into three companies; & so apportionably; & that the seuerall companies of the ṣd towne or plantation shall haue liberty of choyce & nomination of all their officers in their seuerall companies, as aboue specyfyed, according to former lawes in that case pvidēd, & that all such officer℥, together with the major℥, nominated & approued off according to law, shall haue commissions from the Generall Court, for the holding their places & exerciseing of their duty in their seuerall charges.

And whereas diuers farmers & other inhabitant℥ haue their dwelling℥ at such distance as y^t they cannot attend the trayning℥ with the companies in the towne whereto they doe belong, the captaynes vnder whose commaund they be (their dwelling℥ being three miles distant from the meeting howse of such townes) may appoynt that such souldyers, if they be twelue or more in number, be trayned six dayes in the yeare, by some officer of the company, in such place or places as the ṣd farmers or inhabitant℥ may meet in; & y^t the ṣd farmers & inhabitant℥ shall trayne twice in the yeere with the company to whom they do belonge. It is further ordred by the authoritie aforeṣd, that all the militia of Boston, both infantry & great artillery, till the Generall Court or councill of the country can be assembled, shalbe ordred by a committe of militia, w^{ch} shall consist of the magistrat℥ in the ṣd towne, & the three chiefe military officer℥ inhabiting in the ṣd towne, whether of the regiment or companies, who shall haue a commission from the Generall Court of the like teno^r that Major Edward Gibbons had graunted, anno 1645, as appeares, pag 33, in the records of the Howse of Deputyes. And it is further ordred, that the ṣd committe of militia shall haue power to appoynt a military watch, when they shall see cause, for the safty *of the towne & country; & in all emergent cases any three of them may act, when, due meanes being vsed, a greater number cannot be assembled. It is further ordred by the authoritie aforeṣd, that Charlestowne, Salem, & Ipswitch shall haue a like

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27 May.

committee of militia, who shall haue like power by commission; & for all other townes wthin this jurisdiction, where there is one or more magistrates, the s^d magistrate or magistrates, with the cheife military officers, shall haue the power of the militia of the s^d townes; & in those townes where no magistrate hath his aboade, the deputy or deputyes chosen by the s^d towne or townes for the Generall Court of Election from time to time, hauing their aboade in those townes, with the cheife military officers of such towne or townes, or any three of them together, shall haue power as the committee of militia for the s^d towne or townes, who shall haue power of counsell for the best ording of the militia of their seuerall townes, till the Generall Court or councill of the country can be assembled, and vpon all occasions of alarme or any invasion, to strengthen their quarters, & to oppose any approaching or assaying of them in any way of hostilitie, by bearing of armes in companies, or refuseing vpon such approaches to come vnder comāund or giue account what they are & wherefore they are in such posture: further, every such comittee of militia in any towne within this jurisdiction where any alarme shalbe giuen or receiued, or shalbe assayed, as afore^sd, is, by the authoritie afore^sd, required, with all possible speed that may be, to giue intelligence to the next magistrate & major of the regiment where such alarme is taken, or assault made, of the reason thereof, & state of the place so assayed. Further, it is ordred by this Court & the authoritie thereof, that there shalbe the contynuance of regimentall officers in the seuerall countyes vnder the tytle of major's, who in times of peace are to attend their duties & exercise of power as is inioynd by law, tytle Military, pag 39; & in case of alarme, or any assault vpon any quarter within his regiment, he shall haue power, & is hereby required, to send forth to procure intelligence of the state of any place so alarmed or assayed, & to order assistance to them from any other company or companies of his regiment, as the case shall require; & that the major shall giue constant intelligence to the Gouverno^r, or counsell of the *country, & major generall, of the state of the matter, with all convenient speed. It is further ordred by the authoritie afore^sd, that no major of any regiment shall march with his regiment out of the county wherein he hath commaund, nor cause any part thereof so to doe, without order from the Generall Court, councill of the country, or major generall, except it be in persute of an enemy vpon a route; & in case of death or absence of the major, the eldest capt to supply his place till a new be chosen.

Militia.

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The Generall Court of the Matachusettſ to D: D:, Sergeant Major.

Major's commissions.

Whereas you are chosen & allowed by the authoritie of this common

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wealth to be serg^t major of this regiment of : M :, these are therefore to will & require you to take care & charge of the s^d regiment as sergeant major^e, & diligently to intend the service thereof, & to exercise yo^r inferior officers & souldiers, in peace & warre, accordinge to law, commaunding them to obey you as their serg^t major for the service of this common wealth, & you to obserue & obey such orders & directions as from time to time you shall receive from the major generall, or other superio^r officers or authoritie of the common wealth, according to law.

Captaynes
commissions.

The Generall Court of the Matachusett^l to J: H:, Captayne.

Whereas you are chosen & allowed by the authoritie of this common wealth to be capt^f of a foot company, these are therefore to will & require you forthwith to receive & take the s^d company in to yo^r care & charge, as captayne, & diligently to intend the service thereof, & to exercise yo^r inferior officers & souldiers, in peace & warre, accordinge to law, commaunding them to obey you as their captayne, for the service of this common wealth, & you to obserue & obey such orders & directions as from time to time you shall receive from the major^e, or other superio^r officers or authoritie of this common wealth.

Leutenant^l
commissions.

The Generall Court of the Matachusett^l to A: B:, Lieut.

Whereas you are chosen & allowed by the authoritie of this common wealth to be lieutenant of a foote company, vnder the conduct of J: H:, capt^f, these are therefore to will & require you to take the s^d company into your care & charge, as leiu^t, & diligently to intend that service, & exercise yo^r inferior officers, in peace & warr, according to law, com^aunding them to obey you as their lieu^t, for the service of this com^aon w:, & to obey such orders & directiō^l as frō time to time y^a shall re^c from the capt^f or other superio^r officers & authoritie of this common wealth.

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Ensignes
commissions.

*The Generall Court of the Matachusett^l to E: C:, Ensigne.

Whereas you are chosen & allowed by the authoritie of this common wealth to be ensigne of a foote company, vnder the conduct of J: H:, captayne, these are therefore to will & require you forthwith to receive & take the s^d company into yo^r care & charge, as ensigne, & diligently to intend the service thereof, & to exercise yo^r inferior officers & souldiers, in peace & warr, according to law, com^aunding them to obey you as their ensigne, for the service of this common wealth, & you to obserue & obey such orders & directions as from time to time you shall re^c from your captayne or other superio^r officers & authority of this common wealth.

Whether a person, convict of three seuerall offences of drunknes, & neuer convicted before authoritie before the last time, shalbe fined aboue thirty shilling^l, which the Court resolues in the negatiue.

1652.

27 May.
Resolution of
a question.

M^r Thomas Gayner, p^rfering a petition to the Court for releife, in respect of some injury done him touching the sale of the shipp Planter, concerning which there past seüall votes, the issue whereof was, that both the returnes or the Magistrates & Deputyes respecting the difference about the County Court should be so blotted out as neuer to be seene or reade any more.

Mary Woody, of Roxbury, p^rfering a petition to this Court for the alteration of the last will & testament of her late husband, John Woody, that more of his estate might be conferrd on her, receiued this answer: that the Court saw no reason to grant the petition, the petitiono^r hauing such a p^rportion of the estate of her husband, deceased, allowed to her, as the estate will beare & the law p^rvides, & therefore would not alter the s^d will, but that there be an agreement of all p^rtyes concerned therein, among themselues, to improve the estate for the benefitt of the widdow & child.

Woodyes answer.

William Blanton, being p^rsented by the graund jury for selling beere at 4^d the quart, & also fined by the commissioners of Boston for the like offence, p^rfered a petition for releife to this Court, & receiued this answer: that the Court doth judge the s^d Blanton both justly p^rsented & fined.

Blantons answer.

The towne of Dorchester, being fined fve pounds for neglecting to erect a bridg ouer Naponset Riuer, vpon their petition haue their fine remitted, p^rvided the s^d bridge be built, according to law, wthin three monthes, or bef^o the first of the 7th moth next; & if not, the s^d fine to take place according to the Court order, the makeing of such bridges ouer such riuers being no more then is vsuall in the like case.

Dorchesters answer.

*M^r Joseph Hills, wth the consent of Hanna, his wife, & M^r Petter Buckley, their vnkell, p^rfering a petition for the confirmation of the sale of a howse & certayne lands, sould by his wife in the time of her widdowhood, hath his request graunted; as also power is hereby giuen & granted to the petitiono^rl to make sale of such land as yet remaynes vnsould, by the consent & advice of M^r Buckley, p^rvided satisfaction be made to the children of M^r Mellowes, according to what the land shalbe sould for aboue what it is prised in the inventory.

[*345.]

M^r Hills answer.

In answer to the petition of Jonathan Wade, of Ipswich, for fower hundred acors of land graunted him, for & wth respect to fifty pounds by him formerly disbursed for the vse & behoofe of the country, this Court doth order the s^d land shalbe layd out on any side of Nashaway bounds, within a mile or two thereof, according to his request.

Ans^r to Wade.
Jonth^s Wade.

1652.

27 May.

Hampton
boundes to-
wards Pascata-
qua.

Mr Thomas Bradbury, Mr Samuell Winslow, & Samuel Hull, beinge appoynted as comissiono^rℓ to lay out the northermost line of Hampton boundes, towards Pascataq, haue determined that the north line shall extend five miles from Hampton meeting howse, & from thence vppon an east line to the sea, & with the westerly line vntill they come within two miles of Exeter p^sent meetinge howse, & the rest of the line, which was to extend as farr as Salisbury boundes, they left to further consideration. Subscribed wth there hands, 6: 8: 51.

The Court, haucing p^sved this returne of the commissiono^rℓ, approve of what they haue done respecting the laying out of the bounds of Hampton, afore^sd, p^rvided it intrench not on any former graunt.

Mr Samuell Winslow, Mr Thomas Bradbury, & Leiut Robert Pike, being appoynted to lay out the west end of Hampton bounds, vppon their request, haue liberty graunted them till the next session of this Court to accomplish the Court order therein.

Answ. to An-
deuour.

Andover.

In answer to the petition of the inhabitantℓ of Andevour for enlargement of their bounds, it is ordred that Capt Johson, of Wooburne, Nicholas Holt, of Andevour, & Thomas Danforth, of Cambridge, be a committe to lay out the bounds of Andevour, what they judge equall between Andevour & Cambridge, not tying them to fower or six miles, but what they judge equall betwixt fower & six, or any two of them, makinge returne of what they shall doe *herein to the next session of this Court. & further, it is ordred, in respect of Rowleyes five hundred acors, that it be layd out on the south angle, & also that the south bounds of Andevour be six miles. *

[*346.]

Pembertons
answer.

In answer to the petition of James Pemberton, who p^rduced seuerall testimonies for his intrest & pprietie to an iland called Pembertons Iland, it is ordred by this Court, that, if Pemberton, his attorney, heires, or assignes, shall make prooffe vppon oath, according to law, that he had possession & improuement of the sd iland by the consent & approbation of the antient inhabitantℓ or planters resident in or about the Matachusettℓ Bay aboue fower & twenty yeares agoe, then the sd iland shalbe, & is declared to be, his & his heires for euer, the oath to be taken at the next County Court, who shall recorde the same & certify the next session of this Court thereof.

Indians an-
swer.

Whereas Ninicrott, an Indian, made a complaynt ag^t two other sachems, viz^t, Pumhom & Wotapumkum, causing them to appeare at this Generall Court to answer his complaynt, the sd Ninicrott not appearing to p^rsecute the sd sachems, the case could not be heard; wherevppon it is ordred by this Court, that the sd Ninicrott shall pay the charges of Pumhom & Wotapumkum, & their inter^rpter, W^m Arnold, the sume of six & twenty shillingℓ.

Captayne W^m Hawthorne, Edmund Farington, Edward Needham, & William Longley, being chosen by the townes of Salem & Lynn, at the ap-
 poyntment of the Generall Court, to lay out the Ponds farme, lately M^r Humphreyes, did declare that they haue layd it out as followeth, viz^t: from a pyne tree, marked on both sides, standing on a poynt of land on the south side of Longe Meddow, & from thence on a streight lyne to an other pyne tree standing on a poynt of land by Stones Meddow, marked as aboue^d, & so on the south side of Stones Meddow, & so by trees, as they are marked on two sides, to the playne on the south side of the pond, alonge by a swamps side, & so by the east side of the playne, & from thence as the trees are marked, & so to a rocke betweene the fore^d farme & the land, of Rob^t Moulton, & from thence cross the end of a high hill to a marked pyne by Long Meddow, on the north side, ouer agaynst the former pyne marked as aboue^d, and this not to p^rjudice the agreement made betweene M^r Winthrop & the towne of Lyn, in the exchaug^e * of part of Stones Meddow for part of Long Meddow, subscribed with their hands the 15 of y^e 2^d moth, 1652. The Court, haueing p^rvsed this returne, approue of it, & doe order that the bounds of the sd farme shalbe as is before exprest.

1652.

27 May.
 M^r Winthrops
 farme.
 Ponds farm de-
 scribed.

[*347.]

The towne of Douer desiring that M^r Bellingham may be judg of that Court this yeare, as also y^t M^r Georg^e Smith, M^r Richard Walden, & M^r Valentine Hill, might be associates, haue their request^e graunted, p^rvided M^r Hill may be exempted, according to his desire, & also y^t M^r Belingham be desired to attend the keeping of the County Court^e of Norfolke, Hampton, & Salsbury, aswell as Douer & Strabery Banke, for the yeare ensuing.

Douers desire
 granted.

Edmund Jackson, being a feoffee in trust for the wife of Thomas Joy & her children, in reference to an estate in a mill at Hingham, vpon his request to this Court, is discharged of his sd trust, p^rvided the feoffee^mt be giuen into the County Court, & provision made that Thomas Joy may not sell the mill & lands without the consent of the Court, but only repayre the same, & haue out of the rent thereof for his charges, but the propriety to be his wiues & childrens, according to his first deed.

Jacksons an-
 swer.
 Edmund Jack-
 son.

M^r Bellingham & Captⁿ Wiggin is intreated & appoyntd to keepe County Court^e in Norfolke for this yeare ensuing.

Norfolke
 Court^e.

The Magistrat^e not consenting to the verdict of the jury in Parsons case, the cause coming legally to the Generall Court for issue, the Court, on p^rvsall of the evidences brough in ag^t him for witchcraft, doe judge that he is not legally guilty of witchcraft, & so not to dy by o^r law.

Parsons case.
 Witchcraft.

The husband of Elizabeth Fayrfeild, being longe since judged for some miscariags of his to weare a rope about his neck during the Court^e pleasure,

Fayrfeilds an-
 swer: leave to
 drop the rope.

1652.

27 May.
Warner's answer: has leave to go to England.

upon her request to this Court, hath liberty graunted him to lay the rope aside.

31 May.
North line of
y^e jurisdiction.

Joh Warner, of Warwicke, desiring liberty to shipp himself & family for England, from some of o^r port^l, hath his request graunted, p^rvided he take vpp his abode in the shipp, & thence not to come forth vntill his departure, except vppon vrgent occasion for his voyge, by order from two magistrates.

The 31th of the 3^d moth, 1652. On p^rysall of o^r charter, it was this day voted by the whole Court, that the extent of the line is to be from the northernmost part of y^e Riuer Merimacke, & three miles more north, where it is to be found, be it an hundred miles, more or less, from the sea, & thence vppon a streight line east & west, to each sea; & this to be the true interpretati^on of the termes of the lymitt^l northward graunted in the patent.

[*348.]
Shawes order
for 8th.

*Whereas the surveyo^r generall did arest Roger Shaw, of Hampton, for eight pounds, for a barrell of powder, which was due from the towne of Hampton, & the sd Roger Shaw did acknowledge a judgm^t of the same, this Court doth order & hereby require, & giue full power & authoritie to, the cunstable of Hampton to make a leuy vppon the inhabitant^l of Hampton for the payment of the fore^sd sume of eight pounds, together with two shilling^l six pence for entring the petition, as also so much more as may defray the charge of transportinge the same to the surveyo^r generall afore^sd, vnto the sd Roger Shaw, within thirty dayes after notice giuen, & that in corne or cattle, at prise current.

Way from
Redding to
Winesemett.

Whereas this Court did long since appoynt sundry p^{rs}ons to lay out the way from Redding to Winesemett, which is not yet determined, & some of the p^{rs}ons mentioned in the sd order are dead, and forasmuch as it was ordred by Cambridge Court, that it should forthwith be done by the townes of Redding & Malden, it is now ordred by this Court, that the laying out of the sd highway shalbe done by the townes of Redding & Maldon, according to the law in that case provided, any act of this Court to the contrary notwthstanding.

Ans. to Mun-
inges.

In answer to the petition of Georg Muning^l for the disposall of Alce, the Welchwoman, now in p^rson on suspicion of fireinge a howse, it^l ordred, that the sd Alce shalbe sent to England, to returne to her natieue country, at the countreys charge.

Answer to
Margery Eli-
jott.

In answer to the petition of Margery Eliot, widdow, for the confirmation of y^e sale of a certayne p^{ce}ll [^] land, sould by the deacons of the church of Boston, administrato^rs to Saff^l Sherman, vnto Jacob Eliot, deceased, it^l ordred, that the answer to this petition should be respited vntill the next session of this Court, & in the meane tyme that the administrato^rl giue in their acc^o to the next County Court of the estate of Samuel Sherman, deceased,

that so the Court may take order to secure the estate of the children, & then this Court may giue further answer herevnto.

1652.

The p̄sident & fellowes of the colledge, p̄ferring a petition for the repayration of the colledge buildinge, & some addition therevnto, received this answer: that the comission^{rs} of the colonyes, at theire last meeting, havinge taken into consideration the colledge, & the advauncement of learninge there, haue, as we are informed, sent to England, if it may be, to p̄cure some helpe from the corporation out of such money as is collected there for y^e Indians.

31 May.
Answer to the
colledge peti-
tion.

*The Court therefore thinkes it will be meete to respite any further answer to this petition vntill we heare from England, & in the meane tyme that the ouer-seers, p̄sident, & fellowes of the colledge be desired to write to the elders of the seuerall churches, that they may, wth all convenient speed, commend it to the consideration of the townes where they dwell, for a voluntary contribution, that so there may be a speedy repayration of that w^{ch} p̄sent necessitie calls for to be done.

[*349.]

In answer to the petition of Edward Burt for liberty to make salt in a new way, it^e ordred, that his petition be graunted thus farr, viz^t: first, that he shall make salt after his manner, & none other after the same way, for the terme of ten yeares only. 2^{dly}. The Court thinkes not meete to graunt him those tw: ilands so neere to Salem, mentioned in his petition, seing it will be very p̄judiciall to the towne in diuers regards. 3^{dly}. Yet doe hereby order, that the secritary should write a letter to Gloucester, to desire them that the petition^r may set downe the salt workes at the very cape, where there is wood & fitting water for that worke, without any inconvenience to y^e towne, but rather a benefitt to them, p̄vided that the petition^r follow this im-
ployment.

Edw. Burt^e
answer.

It^e ordred by this Court, that Cap^t Bozoone Allen & Ensigne W^m Davis shalbe a committee to consider of all the defect^e that are found in the tanning of leather, & to p̄sent such wayes & meanes to the next session of this Court as may p̄bably p̄vent all manner of abuses concerning the same.

Committee for
tanninge.

In answer to the petition of M^r W^m Hubbard, of Ipswich, it is ordred, that he shall haue (in consideration of money formerly disbursed for pub-
licke vse) fve hundred acors of land, to be layd out by Joseph Jewet & Joh Gage, of Ipswich, on the north side of the bounds of Haverill, & within two miles of their outmost line.

Mr Hubbards
graunt of 500
acors, &c.

Whereas in times past, before the Court^e were kept in in Midlsex, the records of the lands of the seuerall townes within that county were kept in Boston, vpon the request of the deputy of Sudbury, in the behalfe of theire towne, it is ordred, that the secritary shall deliuer the booke of records of

Sudbury rec-
ord^e.

1652.

31 May.

lands, sales, alienations, &c, to the deputy of Sudbury, which concernes that towne, that so they may deliuer the same to the recorder of their owne county.

Vintnor^e answer.

[*350.]

The vintnor^e of Boston & Charlstowne, p^rfering a p^et for the rayinge the prise of wines by retayle, in respect of the scarcitie of wines, re^d this answer: *that the Court judgeth that the petition^r ought to p^rforme their couenant & agreement made with the country, although they loose thereby, as well as they haue & would be contented to reape the great p^rfit^tl when wines were cheape.

Recorder of Middlesex.

It^e ordred by this Court & the authoritie thereof, that Thomas Danforth shalbe the recorder for sales of lands & morgages for the county of Middlesex.

M^r Mathews case.

The Court, having p^rvsed & considered of the satisfaction tendred by M^r Mathewes, & finding it not to be such & so full as might be expected, yet are willing so to accept of it at p^rsent as to pass it by; & for the remittment of the church & pasto^rl fines, they se no cause to graunt their request therein, the country being put to so great trouble, charge, & expence in the hearing of the cause as far surmount^t the fines.

Answ. to Johⁿ Hawthorne.

Johⁿ Hawthorne succeeding Joseph Armitage in the ordinary at Lin, & so standing bound to p^rforme his engagment in respect of what he was to pay for drawinge of wine, desiring a remittment of what is due for the last halfe yeare past, receiued this answer: that he should only pay after the rate of fifty shilling^e p butt for what he hath drawne to this time.

M^r Eires ans.

M^r Symon Eire beinge encouraged to vndertake the cure of one Johⁿ Symond^e by the County Court, p^rsenting a bill of charges about the sd Symonds to the value of 7^l 16^s, as also 1^l 10^s for phisicke about M^{rs} Cole, p^rsenting also a petition for satisfaction, in ans^r: to which this Court doth order the fore^rd sums to be payd by the Treasurer to M^r Eire, according to his desire.

Gou^rn^t gratuitie.

This Court doth, with all thankfullnes, acknowledge the good service of Johⁿ Endecott, Esq^r, o^r p^rsent hono^rd Gou^rno^r, in respect of his great care & faythfullnes in the discharge of that trust which was comitted to him the last yeare, & doe, in the behalfe of the country, render him hartly thanks for the same, and desire his kind acceptance of one hundred markes, as a slender manifestation of o^r due respect^t vnto him, vntill we shalbe better enabled to declare it, which we order shalbe payd him by the Treasurer out of the next country rate.

M^r Robt. Knight^e answer.

[*351.]

M^r Robt Knight p^rfering a petition for releife in respect of injury offred him by Sampson Lane, wth reference to a howse & land at Strabery Banke, the hearing of w^{ch} *case is respitted till the Court of Election, ag^t which tyme

it is ordred, that M^r Knight giue notice of his petition to M^r Lane, or others whom it may concerne, that both parties may be heard.

1652.

31 May.
Castle co^mit-
tee.

Whereas it appeares to this Court, vpon good information, that it is necessary that some care be taken concerninge the Castle & the needfull repayration thereof, & therefore this Court doth order, that Majo^r Generall Sedgwicke, Cap^t W^m Hawthorne, Cap^t Lieu^t Norton, Cap^t Leueritt, Lieu^t Thomas Clarke, the surveyo^r generall, Cap^t Atherton, Cap^t Johnson, Cap^t Lusher, & Cap^t Daniel Gooken, or any seuen of them, shall be a co^mittee to consider what is necessary to be done concerning the sd Castle, & to make returne of what they conceiue needfull about the same at the next session of this Court in October.

Thomas Hawley & Dorothy, his wife, together with Thomas Lambe & Joh Lambe, sons of Th^o Lambe, deceased, p^rferring a petition for the confirmation of a deede of sale of fiftene acors of land sould to W^m Parks, of Roxbury, haue theire petition graunted as is desired, & the sale of the sd land confirmed.

Ans^r. to Haw-
ley.

Cap^t Joh Leueritt, Cap^t Lieu^t Norton, & M^r Edward Jackson are chosen a committee to take the Treasurers & audito^r generalls acc^o to the Court at the next sessi^on thereof.

Co^mittee for
county acc^o.

Cap^t Willard, M^r Richard Griffen, & Thomas Brookes, being chosen by the freemen of Concord to end small causes there, are confirmed & allowed by this Court so to doe.

The inhabitant^l of Maldon p^rfering a petition that Thomas Skinner, of theire sd towne, may haue lib^tie to keepe an ordynarie theire, hath theire request graun^dl.

Maldon ordy-
narie.

M^r Robert Pateshall, hauing fve pounds leuiud vpon his estate by the townsmen of Boston towards the country rate, vpon his petition to this Court, hath order to receiue the sd fve pounds agayne from the Treasurer.

Pateshalls an-
sw^r.

In answer to a letter sent to the Court from M^r Brian Pendleton, of Strabery Banke, concerning theire enlargement, the Court is willing to consider thereof when they p^rpound any thing to theire consideration which may be suteable to such an end, and doe desire & order that M^r Bellingham & M^r Pendleton, with the judges of Douer Court, may keepe Court at Strabery Banke, till the *inhabitant^l of Strabery Banke doe p^rsent some p^rsons y^t haue taken the oath of fidelitie to this Court, to be allowed & confirmed.

Answer to M^r
Pendletons
letter.

[*352.]

M^{rs} Dorothy Pester, whose husband went into England some ten yeares since, & was neuer to this day heard of, vpon her petition to this Court, hath liberty granted her to marry when God by his providence shall afford her an oppertunitie.

M^{rs} Pesters
answer.

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Mr Knight's
answer.

In answer to the petition of Mr Robt Knight, the Court doth graunt him three hundred acors of land, in full satisfaction of what he desires in his peť, where he can find it, accordinge to law, which if he shall refuse to accept off, he shall haue further answer at the next Generall Court.

Toppans
answer.

Abraham Toppans & Joh Lowle, both of Newbery, sonnes in law to Elizabeth Goodale, desiringe administration of theire sd deceased mother in laws goods in the yeare 1647, had theire request granted; but forasmuch as there is no record of the same to be found, vppon theire request, it is ordred, that the former graunt of administration by this Court, aboue mentioned, shall be entred as afforeſd.

Capt. Keaynes
censure.

Whereas Capt Robt Keayne beinge acused to this Court for drunkenes, the euidences having been pvsed, & findinge that he is proued to haue been three times drunke, & to haue drunke to excesse two times, for which offences the Court doth fine him thirty six shilling & eyght pence; the charge of the witnesses appearinge by examination to be the sune of fifty fue shillings & two pence, which this Court orders Capt Keyne to discharge. And whereas Capt Keayne hath petitioned this Court to lay downe his place as comissioner, this Court doth assent thereto, as judging him not meet to contynue therein.

Bottolphs an-
swer.

In answer to the peť of Leonard Bottolph, craving releife from the sentence of the comissioner of Boston, a remittment of his fines illegally imposed, the Court determines the act of the comissioner in fineing the sd Bottolph forty shilling was just & warrentable, & that the second fine of 30^s also, for his affronting authority, was just & warrentable; & lastly, this Court doth order, that the sd Leonard Bottolph, for his misreporting the comissioner's act to the Generall Court, charging them to act by an arbitrary power, should pay as a fine 5^{li}, & acknowledg his offence to them, in so doing expressing his sorrow for y^e same, otherwise to be responsall to the next session of this Court.

[*353.]

North line dis-
coursed.

*For the better discouery of the north line of o^r pattent, it is ordred by this Court, that Capt Symond Willard & Capt Edward Johnson be appoynted as comissioner to pcure such artist & other assistant as they shall judge meete to goe with them, to find out the most northerly part of Merimacke Riuer, & that they be supplied with all manner of nessessaries by the Treasurer fitt for this journey, & that they vse theire vttmost skill & abillitie to take a true obseruation of the latitude of that place, & that they doe it with all convenient speed, & make returne thereof to the next session of this Court.

Gayners an-
swer.

In answer to the petition of Thomas Gayner, respecting satisfaction from

M^r Aspinwall, after the Court had heard what both could say, M^r Knight, M^r Gayners attorney, proffred the case should issue there, if M^r Aspinwall would depose that the aquittance he pduced to the Court, vnder M^r Gayners hand, had relation to the shippe Planter as well as to other accō. M^r Aspinwall deposed before the Generall Court, that the s^d aquittance was a generall release giuen him from Gayner, & was for all accō & demaunds whatsoever, not only to his owne knowledge, but, as far as he knew, to M^r Gayners also.

1652.

31 May.

Vppon a hearinge of the case betweene M^r Joseph Mason, agent or attorney to M^{rs} Ann Mason, of London, playnt, & M^r Richard Leader, deffend^t, respecting the tytle of land at the eastward, at a place there called Newitchawanett, before the Court exprest themselves in the case, the Dep^t Goñno^r informed M^r Mason that the land in question was voted to be within this jurisdiction, & being demaunded if he did submit there vnto, M^r Mason answered, he did; & after much debate it was at last voted by the whole Court, that the issuing of the case should be suspended, & referd to the next Generall Court of Election to put a finall issue therevnto.

M^r Masons case.

Geor^g Bowers, of Cambridge, beinge complaind of to this Court, for putting in a vote on the day of election for the Gouvernor, (he being no free-man,) he acknowledged the fact, not only this yeare, but euery yeare since he came into these part^l, p^tending ignorance of the law. The Court orders, that the s^d Bowers, for his offence therein, shall pay ten pounds.

Bowers fined.

**.At a second Session of the Generall Court, held at Boston, the 19th of the 8th Moth, Anno 1652.*

[*354.]

19 October.

A DECLARATION concerninge the aduancement of learninge in New England by the Generall Court. If it should be graunted that learninge, namely, skill in the tongues & liberall artes, is not absolutely necessary for the beinge of a common wealth & churches, yet we conceiue that the judgm^t of the godly wise, it is beyond all question, not only laudable, but necessary for the beinge of the same. And although New England (blessed be G^d) is competently furnished (for this p^sent age) with men in place, and, vppon occasion of death or otherwise, to make supply of magistrates, associates in Courtes, phisitions, & officers in the common wealth, & of teaching elders in churches, yet for the better discharge of o^r trust for the next generation, & so to posterity, beinge the first founders doe weare away apace, & that it grows

Enacted.

Aduancem^t of learninge.

Contribution proposed for raising a fund to educate the poor.

1652.

19 October.

more & more difficult to fill places of most eminence as they are empty or wantinge, & this Court finding by manifest experience, that though the number of schollers at o^r colledge doth increase, yet as soone as they are growne vpp, ready for publicke vse, they leaue the country, & seeke for & accept of employment elsewhere, so that if timely pvision be not made it will tend much to the disparagment, if not to the ruine of this common wealth; it is therefore ordred & hereby enacted by this Court, that a voluntary collection be commended to the inhabitant^l of this jurisdiction for the raysinge of such a sune as may be employd for the mayntenance of the p^rsident & certayne fellowes & poore schollers of Harvard Colledge, & for that purpose doe further order, that euery towne of this jurisdiction doe chuse one meete person to take the voluntary subscriptiō^l of all such as shall vnderwrite any sune or sumes of money for that purpose, & to make returne thereof to the next Court. And forasmuch as all the colonies are concerned therein, this Court doth order the secritary to signifie to the Gouverno^r of the seuerall colonies o^r endeouours herein, & to commend the same to them for their help & furtherance in so good a worke.

Nomination of
magistrat^l.

Whereas the meetings of the ffreemen for nominatiō of magistrates & associates for County Court^l is appoynted in the moneth of Nouember, & the votes so made to lye till the last week of the first moth following, which distance of time is not needfull, and may admitt of sundry inconveniencies, for pvention *whereof, it is hereby ordered & enacted, that henceforth the tyme for the election in townes shalbe in the second weeke of the first moneth, with the same pænalty the former law requireth, any direction in the former law to the contrary notwithstanding.

[*355.]

Sales to be in
writeinge.

Whereas the way of passage of howses & landes by sale, in England, is both peaceable & effectuall, namely, by deed in writeinge, sealed & deliuered, with liuery & seizin, or possession giuen of the same before wittnes, or by deed acknowledged & enroled, or by sueing a fine, & that diuers within this jurisdiction are apt to rest vppon a verball bargane or sale for howses or landes of any value, this Court, havinge taken this thing into serious consideration, doth hereby declare & order, for the pvention of all clandestine & vncertayne sales & tytles, that henceforth no sale or alienation of howses or landes in this jurisdiction shalbe holden good in law, except the same be done by deed in writing, vnder hand & seale, & deliuered, & possession giuen vppon part, in the name of the whole, by the vendor, or his attorney, so authorized vnder hand & seale, vnles the sd deed be acknowledged according to law, & recorded.

Probate of
wills

Whereas many marchant^l & seafaringe men, with other strangers that

frequently resort to the county of Suffolke, oftentimes by their deaths leaving their estates undisposed off, & very difficult to peruse, in the intremes from one County Court to another, by reason of the distance thereof, their estates are much hazarded to be lost & imbezelled, it is therefore ordered, that it shall & may be lawfull for any two magistrates, with the recorder of the county, meeting together, to allow of any will of any deceased party to the executor, or other persons in the will mentioned, so as the will be testified on the oath of two or more witnesses; and also graunt administration to the estate of any person that shall dy intestate within the said county to the next of kin, or to such as shall be able to secure the same for the next of kin; & the recorder or clerk of the Court is to informe the rest of the magistrates of that county, at the next County Court, of such will proved, or administration graunted, & record them, any law, use, or custome to the contrary notwithstanding.

Vpon information of sundry inconveniences arising in the county of Middlesex, by the long distance betwixt the Court there holden, & that the busines of Courtes there is much increased, it is ordered by this Court & the authority thereof, that henceforth there shall be two Courts more there holden in a yeare, viz^t, one vpon the third day in the third weeke of the fourth moneth, & the other vpon the third day of the first weeke in the 11th moth, both to be kept at Charlestowne. Court for Middlesex. [*356.]

Forasmuch as there hath been a question in this Court about the Indians' Indian tythes. tytle to landes, this Court, taking it into consideration, & willinge that there may be a free passage of justice for their right amongst vs, as well as for the English, it is therefore ordered & enacted by this Court & the authority thereof, that what landes any of the Indians, within this jurisdiction, haue by possession or improuement, by subdueing of the same, they haue just right thereunto, accordinge to that Gen: 1: 28, chap: 9: 1, Psa: 115, 16. And for the further encouragment of the hopeful worke amongst them for the ciuillizinge & helping them forward to Christianitie, if any of the Indians shall be brought to ciuillitie, & shall come amongst the English, to inhabite in any of their plantations, & shall there liue ciuilly & orderly, that such Indians shall haue allotment amongst the English, according to the custome of the English in the like case. Further, it is ordered, that if, vpon good experience, there shall be a competent number of the Indians brought on to ciuillitie, so as to be capable of a townshipp, vpon their request vnto the Generall Court they shall haue graunt of landes undisposed off for a plantation, as the English haue. It is further ordered by this Court, that if any plantatiō or person of the English shall offer injuriously to put any of the Indians from their planting groundes or fishing places, vpon their complaint & prooffe thereof, they

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shall haue releife in any of the Court℥ of justice amongst the English, as the English haue. Further, it is ordred by this Court and authoritie thereof, & be it hereby ordred, that all the tract of land within the jurisdiction of this Court, whether already graunted to any English plantations or psons, or to a graunted by this Court, (not being vnder the qualification of right to the Indians fore recited,) is & shalbe accompted the just right of such English as already haue or hereafter shall haue graunt of landes from this Court & authority thereof, from y^t of Gen: 1: 28, & the invitation of the Indians.

Cunstables
watches.

[*357.]

As an addition to the late law about the cunstables watches in the seuerall townes of this jurisdiction, it is ordred, & by the authority of this Court enacted, that all the inhabitant℥ of this jurisdiction shall henceforth, according as they are warned to serue the country in the cunstables watches, duly & strictly obserue the charge giuen by y^e cunstables. *And the cunstables in euery towne, from time to time, are hereby enjoyned to giue in their charges to all watchmen, that they duely examine all nightwalkers after ten of the clocke in the night, vnles they be knowne to be peaceable inhabitant℥, to inquire whither they are goeing, & what their busines is; & in case of not giueing rationall satisfaction to the watchmen or cunstable, then the cunstable forthwith to secure them till y^e morninge, & then the cunstable to carry such pson or psons before the next magistrate or comissiono^r℥, or three men, who shall in this case haue power, as the comissiono^rs haue, to giue satisfaction for their being abroad at that tyme of night; & if the sd watchmen shall find any inhabitant or straunger after ten of the clocke at night behauing themselves any way deboyst, or that giueth not a reasonable ground to the cunstable or watchmen, or shalbe in drinke, to secure them by comittment, or otherwise, till the law be satisfied. And further, the cunstables are to giue the watchmen in charge to se all noyses in the streetes stild, & light℥ put out, except it be vppon necessary occasion, that fires, as much as may be, be pvented, any law, custome, or vseage to the contrary notwithstanding.

Comissiono^r℥
to giue oath.

It is ordred by this Court & authority thereof, that henceforth it shalbe lawfull for any of the three comission^rs appoynted to end small causes in the seuerall townes, vppon the request of any pson or psons, to giue oath to any witnesses or others in any ciuill case, as any magistrate may doe, & euery such oath so taken as affore^d shalbe accounted authentick in law, pvided they bring in the originall testimony to the Court where the case is to be heard, & deliuer the coppies (if they be required) to the pties.

Country high-
wayes.

Whereas the common highwayes betwixt Andeour & Ipswich, Andeovor & Newbery, Andeou^r & Rowley, are not yet layd out, by reason whereof passengers doe suffer great pjudice & inconvenience, & the wayes vncapable of

being mended, because unknowne where they wilbe layd forth, it is therefore hereby ordred, that euery of the afforeſd townes shall, within one moth after the end of this sessions, nominate & appoynt one or two of their reſpective inhabitant^l, who are hereby authorized & appoynted to lay out the afforeſd highwayes betwixt the townes before mentioned, & to make returne thereof to the next Court of Election. And it is ordred, that the inhabitant^l of Andover shall giue notice to the inhabitant^l or the prudentiall men of the other townes of the time & place of their meetinge for the endes aforēd in writing, & if any towne or townes shall neglect to doe what this order enioynes them, they shall forfeit the sum of five poundes to the common treasury; & if any pson *chosen & appoynted by any towne shall neglect his duty herein enjoyned, he shall forfeit the some of forty shilling^l; pvided, if any of the townes afforeſd shall send two of their inhabitant^l, yet they shall haue but one vote in the decideing of any diffrence or controversie that may arise in the laying forth & determining all or any of the afforeſd highwayes; and it is ordred, that if all fflower cannot agree in any p^ticular, then any three agreeing shall determine the same.

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[*358.]

It is ordred by this Court, that no pson shall for the space of three yeares next ensuing make vse of Mr Joh Clarkes invention for saueing of firewood & warming of rooms wth little cost^l & charges, by which meanes great benefitt is like to be to the country, & especially to these populous places; & if any family or other pson doe by the consent & direction of the s^d Mr Joh Clarke, or without his consent, doth improue, or vse the said experiment, they shall pay ten shilling^l to the s^d Mr Clarke, for which he may sue or implead any pson before any commissiono^r for the same, as the case shall require.

Fire works to
save fuel.

For the p^{re}vention of washing or cliping all such peeces of money as shalbe coyned within this jurisdiction, it is ordred by this Court & authoritie thereof, that henceforth all peeces of money coyned as afforeſd, both shilling^l & smaller peeces, shall haue a double ringe on either side, with this inscription, (Massachusetts,) & a tree in the center on the one side, and New England, & the date of the yeare, on the other side, according to a draught herewthall p^{re}sented.

Money to be
stamped.

It is ordred by this Court & the authoritie thereof, that all actions triable before the commissiono^rl of the towne of Boston, which shall amount to aboue the value of forty shilling^l, shalbe lyable to pay for the entry ten shilling^l, & for euery action so entred, & for all actions vnder the s^d value, the sume of three shilling & fower pence, which shall appertayne to the s^d commissiono^rl of Boston, for the defraying of their charges; and also that it shalbe lawfull for any one magistrate, & the three commissiono^rs in the seuerall townes, who

Entry of ac-
tions.

1652.

19 October.

Lib^{ties} for tri-
alls.

are appoynted to end small causes, to require the s^d s^ume of three shilling[℥] fower pence for the entry of all actions proper to their cognizance, any law or custome to the contrary notwthstanding.

It is ordred by this Court, that, after publication hereof, any pson whatsoever, which hath, or shall haue, ground of action agaynst another, shall haue liberty to impleade & trie any action triable in the Commission[℥] Court of Boston, either in the s^d Court, or any other that hath proper cognizance thereof, as is pvided in the printed law, pag^e 1, which giues liberty to the playn^t to try in whether jurisdiction the playn^t pleaseth, where either the playntife or defend^t dwelleth, provided that the summons or attatchment[℥] be issued within the limitt[℥] expressed in their commission.

[*359.]

Caske to be
full gage.

*Vpon information of sundry abuses which may arise, & thereby reproach redound to the country, by packing of beefe, porke, & other thing[℥] in caske that is not full gage, although the packer doe carefully fill the same as the law pvides, it is therefore ordred by this Court, that henceforth euery packer shall see that all caske he packes any beefe, porke, mackerell, fish, or other goodes in, comitted to his care, be of true & full assize & gage, & that he packe the same in no other caske whatsoever, on pœnalty of ten shilling[℥] for euery caske by him so packed that is or shalbe defectiue in that respect, the one halfe to the informer, the other halfe to the country. This order to be p^sently published & posted vp in Boston & Charlostowne, & by the first oppertunity notice hereof giuen to Salem & Ipswich, & that an oath be forthwth drawne for the searcher & packer, who are hereby enjoyned to set there seuerall markes on them.

Guns to be
mounted.

Vpon complaynt made to this Court that seuerall great gunns of the countryes, in Boston & other townes wthin this jurisdiction, ly vnmounted & neglected, it is ordred by this Court, that all townes that haue any such great gunns in their townes vnmounted as affore^sd, are hereby enjoyned speedily to take care to pvide good & sufficient cariages to be in a readynes before the next Court of Election, or else to deliuer all such gunns to the surveyor^e generall, to be disposed off as this Court shall giue direction.

Prises of corne.

It is ordred by this Court, that all sortes of corne shalbe payd in the country rate for this yeare ensuing, at these prises following, viz^t: wheat & barley at 5^s p bushell, rye & pease at 4^s p bushell, & Indian at three shilling[℥] p bushell, & all other thing[℥] payd in the country rate to be valued according to the prises of all sortes of corne aboue men^tō^d.

Senioritie of
captaynes.

Vpon a motion made to this Court by seuerall military officers for resolution of a question concerning superiority of commaunders in this jurisdiction, this Court doth order & declare that henceforth, according to the custome in military discipline, all captaynes, wth their companies, shall take place

Officers.

in standing, quartering, marching, & commaunding in the regiment as occasiō shall require, in all respect℄ according to the seniority of theire commission in the same regiment, & to the same place of commaund, & no otherwise; referring psonall diffrences concerning seniority to be determined by the major & officers of the regiment, or the major part of them, according to the law established, and that no cap̃t shalbe capable to commaund as a cap̃t both ouer a foot company & a troope of horse at the same time; & whereas the towne of Boston, in obedience to an order of this Generall Court, haue devided themselves into fower companies, & left it to the determination of this Court which cap̃t should be accounted the eldest in that towne, this Court doth order & declare, *that Cap̃t Thomas Savage shall take place next after Major Edward Gibbons, & that Cap̃t Thomas Clarke shalbe the third; and whereas the south part of the towne had made choyce of Cap̃t Joh Leuerett to be theire cap̃t, who was formerly chosen cap̃t oũ a troope of horse, & confirmed in y^t place, it℄ ordred, wth relation to them, that they pceed to a new election, & that theire cap̃t take his place accordingly.

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[*360.]

Whereas by the law, title Military, pag̃ 42, sc̃ 6, euery cap̃t, lieũt, & ensigne is to be allowed at each County Court, & that, by the late law concerning the militia, made in the third moneth, 1652, euery commission officer, both of horse & foote company, is to haue a commission from the Generall Court, it is ordred by this Court & the authoritie thereof, that vpon the allowance of any such officer by any County Court as afforẽd, such as p̃sent them to the Court shall take a certificate vnder the hand of the recorder or clarke of that Court, which he shall forthwith deliuer to the secritary of the Generall Court, who shall speedly draw vp a perticuler comission in parchment, fayrly written, for euery such officer, & deliuer them to the eldest serg^t of each company when he comes for them, & the s̃d serg^t shall carry them to the Gouverno^r, who shall affix the seale of the colonie therevnto, the s̃d serg^t payinge fīue shilling℄ for each seale, as the order p̃vides, & shall carry them so sealed to the major generall, who shall transmitt them to the major of each regiment, to be by him, or his order, deliuered to the cap̃t or cheife officer of each company, to be deliuered to each officer to whom the same doth belonge; & for such military officers in any of the afforẽd places as were formerly allowed, and haue no written commission to act by, the eldest serg^t of each such company shall take certificate from the recorder of the Court where such officer was allowed, & deliuer it to the secritary to be drawn vp, which shall beare date from the tyme of theire allowance, and expedited as afforẽd; p̃vided, that if the major generall, or major of any regiment, be at any time wantinge, the Goũno^r shall then deliuer any such comission vnto the officer to

Military officers commissions, mode of delivery.

1652.

19 October.
Cap^t Gerish
libertie.

whom it doth belonge, or such other officer of his company as shall repayre to him for the same, the secretary being payd six pence for each commissiō.

It is ordred by this Court, that Cap^t W^m Gerish, who standes charged with the commaund of a troope of horse & a foote company, shall haue commissiō to comaund the horse, & only haue liberty to exercise the foote vntill the company shall otherwise pvide, & p^sent another to take cheife commaund thereof, as a towne company.

[*361.]

Officers al-
lowed.

*This Court haueing giuen liberty to the seuerall troopes of horse in this jurisdiction to compleate their officers, which accordingly the troope of Suffolke regiment hauing done, & made choyce of Cap^t Joh Leuerett for their cap^t, M^r W^m Davis for their lieutenant, M^r Peter Oliver for their cornet, & Joh Smyth, of Dorchester, for their quarter master, which, vppon their request to this Court, are allowed and confirmed in their places.

Douer depu-
ties.

Whereas, vppon the submission of the inhabitant^l vppon the Riuer of Pascataq to this jurisdiction, this Court did graunt them, amongst other priuiledges, liberty to send two deputyes from the sd riuer, & whereas the freemen of Douer are increased to that number that by another law they haue liberty to send two deputyes to this Court, this Court doth order & declare, that the sd towne of Douer shall henceforth enjoy their libtie to send two deputyes, according to law, & that Straberybanke shall haue libtie to send one, according to former agreement.

Salems pow-
der.

The towne of Salem, being debtor to the country for seuerall barrells of powder, vppon the request of their deputyes, haue one of the sd barrells allowed them towards what they haue expended in saluteing of shippes, & otherwise, vppon necessary occasions.

Captaynes
comission of a
troop of horse.

The Generall Court of the Massachuset^l to J: L:, Cap^t.

Whereas you are chosen & allowed by the authoritie of this common wealth to be cap^t of a troope of horse for the county of Suffolke, these are therefore to will & require you to take care & charge of the sd troope of horse, as their cap^t, & diligently to intend the service thereof, and to exercise yo^r inferior officers & souldiers, both in peace & warr, according to law, commaunding them to obey you, as their cap^t, for the service of this common wealth, & you to obserue & obey all such orders & directions as from time to time you shall receiue from yo^r majo^r generall, or other superio^r officers, or authority of this common wealth, according to law.

Lieu^t commissi-
on.

The Generall Court of the Massachuset^l to W: D:, Lieu^t.

Whereas you are chosen & allowed by the authoritie of this common wealth to be lieu^t of a troope of horse, vnder the conduct of J: L:, cap^t,

these are therefore to will & require you to take the sd troop into yo^r care & charge, as lieu^t, & diligently to intend the service thereof, & to exercise yo^r inferior officers and souldiers, both in peace & warr, according to law, commaunding them to obey you as theire lieu^t, for the service of this common wealth, & that you obey such orders & directions as from time to time you shall receive from yo^r cap^t, or other superior officers, or authoritie of this common wealth.

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19 October

*The Generall Court of the Mass: to P: O:, Cornett.

[*362.]

Cornett's
commission.

Whereas you are chosen & allowed by the authoritie of this common wealth to be cornet of a troope of horse, vnder the conduct of J: L:, cap^t, these are therefore to will & require you forthwith to receive & take the sd troope into yo^r care & charge, as cornett, & diligently to intend the service thereof, & to exercise yo^r inferior officers & souldiers, both in peace & warr, according to law, commaunding them to obey you as theire cornett, for the service of this common wealth, & you to obey such orders & directions as from time to time you shall receive from yo^r cap^t, or other superior officers, or authoritie of this common wealth.

The Generall Court, &c, to J: S:, Quarter Master.

Quarter M^r's
commission.

Whereas you are chosen & allowed by the authoritie of this common wealth to be quartermaster of a troop of horse, vnder the conduct of J: L:, cap^t, these are therefore to will & require you forthwith to take the sd troop into yo^r care & charge as quartermaster thereof, & diligently to intend that service, & to exercise yo^r inferior officers & souldiers, both in peace & warr, commaunding them to obey you as theire quartermaster for the service of this common wealth, & you to obey such orders as from time to time you shall receive from yo^r cap^t, or other superior officers, or authoritie of this common wealth.

The County Court, which was to begin the next second day, is adjourned to the 16 of November next, (21: 8, 1652.)

This Court, takeing into consideratⁿ sundry reasons why the churches should set apt a solemne day of humiliatⁿ, especially for these reasons following: the losse of many psons by vnwonted diseases; 2^d, in respect of vnusuall stormes & contynued raynes; 3^d, want of supply of meet psons for publicke service; 4th, for the worldly mindednes, oppression, & hardhartednes feared to be amongst vs; as also in regard of England & the warrs theire, the increase of heresies & errors, &c; & that God would giue vs favour in the

Humiliatio
day.

1652. hart℥ of the Parliament, &c; vlf, y^t God would supply vs with such comodities as are wanting, &c. This day to be obserued, 10th: 9th next.

19 October.

Commissioner℥
for the line.

The answer of Joh Sherman, serg^t at Watertowne, and Jonathan Ince, student at Harvard Colledge in Cambridg, to Cap^t Symon Willard & Cap^t Edward Johnson, commissiono^r℥ of the Generall Court held at Boston, May 27th, 1652, concerninge the latitude of the northermost part of Merimacke Riuer. Whereas we, Joh Sherman & Jonathan Ince, were p^ecured by the affore^sd comissiono^r℥ to take the latitude of the place aboue named, our answer is, *that Aquedahian, the name of the head of Merimacke where it issues out of the Lake Winnapusseakit, vppon the first of August, one thowsand six hundred fifty two, we obserued, & by observation found, that the latitude of the place was forty three degrees, forty minutes, & twelue seconds, besides those minutes which are to be allowed for the three miles more north which run into the lake; in wittnes whereof we haue subscribed o^r names this ninteenth of October, 1652.

JOHN SHERMAN,
JONATHAN INCE.

Ju^r coram JOHN ENDECOTT, Gu^b.

Kettery comis-
siono^r℥.

To o^r trusty & welbeloued ffrinds, A, B, C, D, &c.

Whereas you are chosen commissiono^r℥ by this Court to settle the ciuill gouernment amongst the inhabitant℥ of Kettery, the Ile of Shoales, Aggamenticus, & so to the most northerly extent of o^r patent, you are hereby authorized & required with all convenient speede to repayre to those partes, and there, by summons, to assemble the inhabitant℥ together in some place wth you shall judge most convenient, & to declare vnto them o^r just right to, & jurisdiction ouer, those tractes of land where they inhabite, requiringe theire subjection therevnto, assuring them they shall enjoy equall p^{te}ction & priuiledges with o^rselues: further, we doe hereby giue & graunt vnto you full power & authoritie to summon & keepe a Court or Court℥ there to heare & determine all causes, ciuill & eriminall, accordinge to the power & authoritie of o^r County Courtes; to nominate & appoynt commissiono^r℥, administer oathes to them, & invest them wth such power as yo^rselues, or the majo^r part of you, shall judge meete; as also to appoynt, sweare cunstables & such other officers as you shall judge needfull for the p^{se}ruation of the peace; to conforme & settle proprieties; to graunt priuiledges, p^{te}ctions, & im^unities; & to settle the gouernment there: & further, to doe & act in the p^{re}misses, or any thinge of like nature, for the endes affore^sd, till this Court shall take

further order therein, as in yo^r wisdomes & discretiō you shall judge most to conduce to the glory of God & the peace & welfare of the people there, & the mayntenance of o^r owne just right℄ & intrest℄; & we doe hereby will & require all magist℄, *magistrates, commissiono^rs, captaynes, & all other officers, ciuill & military, within the county of Norfolke, & all the inhabitant℄ of the Ile of Shoales & beyond the Riuer of Pascataq, within the limitt℄ of o^r pattent, to be aydinge & assisting to these o^r comissiono^r℄, as they shall se cause to craue or require; & in confirmation hereof we haue caused the seale of o^r colony to be herevnto affixed this 3^d (8), 1652.

1652.

19 October.

[*361.]

The tyme being expired of the Court℄ graunt of the customes of wines to those who were the farmers thereof, & the Court haueing publicly declared that any man that had a desire to rent the sd customes should repayre at a tyme appoynted to the Court to compound for the same, sundry gen^t appearinge had libtie, & did offer to the value of 160^{li} & 162^{li}; but the last & most was 165^{li} by Cap^t W^m Hawthorne, to whom the Court hath graunted the sd custome of wines for the space of fve yeares from the day of the date of these p^{se}nt℄, for which he is to put in sufficient securitie for the payment of the sd sume of 165^{li} yearly to the Treasurer, or who else this Court shall appoynt to receive the same, in current country pay; and that the sd Cap^t Hawthorne be invested with full power for the recovery of the sd customes in all respect℄ as hath been graunted to others in times past in this case.

Custome of
wines.

In answer to the petition of Archimbald Henderson for repayratiō of wronge p^{te}nded to be done him by Samuel Bidfeild, a cunstable in Boston, the Court, haueing p^{rs}ved the euidences in the case, doe judge that the petitiono^r was justly punished by the County Court for his swearinge, cursinge, & drunkenes, as also that he was justly fined ten poundes to the country for his other miscariages, & that his fve poundes fine to the cunstable was also just; & whereas he was ordred to pay eyght poundes for strikeinge of fower men, who came to assist the cunstable, this Court, seinge no evidence proueing any more then three p^{so}ns so abused, doe judge that he should be abated forty shilling℄ in reference therevnto, & doe judge that the cunstable did not exceed the duty of his place in what he did to punish the petitiono^r for his offence.

Hendersons
case.

This Court doth hereby declare their approbation & justification of their comissiono^r℄ in judginge their last meetinge at Plymouth to be frustate, & doe expect satisfaction from the jurisdictions of Plymouth & Newhaven; and for tyme to come we cannot consent that the ordinary yearly meetinge should hold, & the act℄ of the commissiono^r℄ be valid, except two commissiono^r℄

Commissiono^r℄
act approved.

1652. from each colony, authorized as in the sixth article, doe meete vppon the day appoynted.

19 October.

[*365.]

The fine of a
remitted.

*Cap^t Davenport being vnder a fine for shooting off fve guns in the night, vppon his petition to this Court, his offence is past by, & his fine remitted.

Meadfeilds
military officer.

Vppon the request of the deputy of Meadfeild, in the name of theire towne, Georg Barber, being eldest surgeant, is hereby authorized to carry on the militarje exercise there.

Cookes land
confirmed.

W^m Parkes, of Roxbury, beinge authorized as an attorney to make sale of certayne lands in Dedham, somtimes appteyning to Samuel Cooke, of Dublin, in Ireland, gent^t, and having made sale of the sd landes to Cap^t Eleazur Lusher and Anthony Fisher, of Dedham, afforesd, vppon theire request to this Court, the sd sale is hereby confirmed & allowed.

Wooburnes an-
swer.

Seuerall of the inhabitant^l of Wooburne p^rferinge a petitiō to this Court that the farmes lately graunted vnto o^r p^rsented honord Deputy Gouverno^r & o^r late honord Gou^rno^r, M^r Joh Winthrop, might be layd out for end^l & purposes exprest in theire sd p^rē, hath theire request^l graunted; & this Court doth hereby authorize M^r Edward Goffe, Thomas Danforth, & Joh Bridge, of Cambridge, for effectinge the same.

Answ. to Cam-
bridg.

In answer to the petition of the inhabitant^l of Cambridge for the laying out of 3000 acors of land, graunted to M^r Winthrop & his wife, at Shawshin, this Court orders & appoynt^l Cap^t Willard, Captayne Edward Johnson, Serg^t Hale, & Serg^t Sherman to be cōmissiono^rl to lay out the land as is desired, & that it be done before the twenty fourth day of the fourth moth next.

Tybbot^l will.

Whereas the last will & testament of Walter Tibbot, of Gloč, deceased 14 (6), 1651, was by Robert Tucker deliuered into this Court, but cannot now be found; a coppie whereof is now agayne p^rsented to this Court, vnder the hands of M^r W^m Perkins, & Robert Tucker, testifying to the truth of it, to theire best remembrance, vppon whose testimony this Court thinkes meete to allow of the sd will.

Kent^l fine dis-
posed of.

Steuken Kent, of Haverill, beinge fined ten pounds for suffering fve Indians to be drunken in his howse, is hereby ordered to pay the sd ten poundes to the select men of the sd towne of Haverill within one moth, who shall therewith satisfy for the cure of one of the sd Indians, who was hurt by the cunstable when he was aphended; & in case of his refusall, the marshall shall hereby fetch the sd ten poundes from Steuken Kent, with charge for his paynes, & deliuer it accordingly.

Shawes power.

It is ordred by this Court, that Roger Shaw, of Hampton, shall haue power to sue the late cunstable of Hamptō afforesd for 8^{li} 2^s 6^d, with such

other charge as may transport the same to the survejo^r generall, or any other concerned therein, at the next Court held at Salem. 1652.

19 October.

An order concerninge this was made (28) 3, 1652.

*M^r Ambrose Lane p^rferinge a petition to haue a speciall Court for the triall of some actions betweene Robt Nash, M^r Robt, & himselfe, hath his request graunted, p^rvided the case betweene him & M^r Valentine Hill be excepted, who is by him summoned to answer it at the next County Court. [*366.]
Lanes answer

M^r David Sellake, craueing pardon for his offence in bringing some of the Irish men on shoare, hath his fine remitted, so as the first optunitie be taken to send them out of this jurisdiction. P^r consilium. The s^d M^r Sellake, on his request, hath libtie for the bringing another Irish man on shoare, to endeavour his recouery, p^rvided he giue bond to send him out of this jurisdiction when he is well. M^r Sellake remitted.

The inhabitant^l of Nantaskett complayning of some injury offred them, by reason of Lovills Iland being detaineyd from them, the Court orders them to haue a hearing the next Gener^l Court, & in the meane time libtie is graunted them to sumon any then & there to appeare who legally detainey any iland^l from them. Hulls answer.
Lovel's Island.

There beinge fifty poundes long since dew from this colonye to M^r Pococke, in London, for the payment of which this Court orders, & the Treasurer vndertakes to shipp fifty poundes in commodities for Berbados in one month, & to order the p^rduce for England on the countryes adventure, the country allowinge forbearance vntill the Treasurer be repaid, which caⁿot be vntill the rate 1653, giueing M^r Hibbens a bill of lading what goodes are shipt for the accompt of M^r Pococke. M^r Pococke pay.

The inhabitant^l of the south end of Boston, p^rferringe a petitiō for the confirmation of Cap^t Johⁿ Leuerett to be theire cap^t, receiued this answer: the Court is very tender of giueing any discouragment to the petitioner^l, & having by order confirmed Cap^t Leueritt to commaund a trooppe of horse, a place of greater honor, & wherein he may be more serviceable to the country, we cannot consent to the petitiono^r^l request, which tends to o^r loss & the discouragment of a deseruing man: we therefore thinke it meete the petitiono^r^l p^rceed to a new election, & the Court will be ready to confirme any meet man they shall p^rsent. South Comp^any's ans^w.

The Court doth judge, that the testimonyes p^rduced to proue the iland mentioned in James Pembertons, & called by his name, to belonge to him, doe fully proue the same, & doe therefore declare the s^d iland to be his propriety. Pembertons case.

1652.

19 October.
Springfeild
comissiono^r℥
oath.

[*367.]

We, Joh Pinchon, Elitzur Holyoke, & Samuel Chapin, comissiono^r℥ for the towne of Springfield, by order of the Generall Court, doe heare sweare by the liuing God, that we will truly endeavour to o^r best abillity to demeane o^rselues in o^r places according to the lawes of God & of this jurisdiction, & that we will dispence justice on all occasions *occasions proper to o^r place, & cognizance equally & impartially durence o^r aboade in this jurisdiction, & continuance in comission, as afforesd. So help, &c. This oath to be taken before the selectmen & cunstable of the towne of Springfield.

It is also ordred, that the psons aboue mentioned should haue the same commission to act by which was graunted to M^r Henry Smyth the last yeare.

Capt. Allens
ouerseers.

In answer to the petition of the ouerseers of the last will & testament of Cap^t Bozoone Allen, it is ordred, that administration be graunted to the widdow & the two o^rseers, & that they pforme the impfit will as farr as may be; & the s^d widdow & o^rseers shall haue power to act as executo^r℥ & executrix; & whereas the seale of the s^d will was accidentally torne away while it was in the hands of the Court, this Court doth order & declare, that the s^d will shall in all respect℥ be accounted authentically without it, as it was before.

Capens answer.

Joane Capen, widdow, being vnder a fine for not proueing her husbands will according to the law, vpon her pe^t to this Court, hath her fine remitted, & is hereby ordred to proue the s^d will at the next County Court.

M^{rs} Winthrops
answer.

In answer to a petition p^sented in the behalfe of M^{rs} Elizabeth Winthrop, late wife to M^r Addam Winthrop, deceasd, it is hereby ordred & declared, that Adam Winthrop, the orphan, of about fve yeares of age, beinge the onely child of Adam Winthrop, the father, & grand child to Joh Winthrop, the grand father, is the true proprieto^r of the iland called the Gouverno^r℥ Iland, to haue and to hold to him & his heires; and that Elizabeth Winthrop, second wife to Adam Winthrop, deceased, shall haue the full thirds of the pfitt℥ of the s^d iland for her life; and that M^r Henry Dunster, M^{rs} Elizabeth Winthrop, durence her widdow wood, M^r Edward Rawson, Cap^t Thomas Clarke, & Cap^t Richard Dauenport are appoynted guardians ouer the s^d Adam Winthrop, the orphan, to take care of his education, & also of all his estate, reall & psonall, & to be accountable for the same vnto the s^d Adam or his guardian whom he shall chuse when he comes to the age of ffourteene yeares; and that administration shalbe graunted equally of the goods & chattles late of Adam Winthrop, deceased, vnto M^{rs} Elizabeth Winthrop, widdow, & vnto Addam Winthrop, the orphan.

There being a question when the country gaue the yongest child of Joh Winthrop, Esq̃, two hundred poundes, which is occasioned by the loss of the record, it being yet in the pfect memory of most of the Court *that that graunt was made in the third moth, 1649, the imēdiate Court after the decease of the s^d M^r Winthrop, this Court orders, that the graunt of the Court be incerted in the Court records from that time.

1652.

19 October.
M^r Winthrops
childs 20th.
[*368.]

Vppon the petition of Cap^t Joh Leuerett, this Court doth graunt vnto him all those small ilands lying within the bay betweene Allerton Poynt & Nahant, not hereto fore graunted; his father putting in money into the common stocke in the begining of this plantation, for which he neuer had any consideration.

Capt. Leueit^e
graunt.

The inhabitant^e of Glo^{ce}, being vnder a fine for neglecting to obserue the law about the nominatiō of magistrates, vppō their petition to this Court, haue their fine remitted.

Glo^{ce} fine re-
mitted.

Cap^t Joh Leuerett, Cap^t W^m Tyng, Cap^t Thomas Savage, M^r Nathaniell Duncan, M^r Edward Tyng, Cap^t Thomas Clark, & M^r Anthony Stoddard being legally chosen cōmissiono^r for the towne of Boston, tooke their oathes before the Gouverno^r & Magist^r, the Gouverno^r administring the oath 23^d 8th, 1652.

Boston cōmis-
siono^r.

23 October.

The inhabitant^e of Strabery Banke, pfering a petition for the enlargm^t of their towne bounds, are referd to the next Court of Election for further answer, when Cap^t Wiggan is to shew his pattent. This Court further graunts, that M^r Henry Sherbourne & M^r Reynold Fernald be admitted as associates, according to their petition.

Answ. to Stra-
bery Banke.

In answer to the petitiō of seuerall of the inhabitant^e of Boston, the Court graunt^e their pe^t, viz^t, the continuation of the commission graunted to the commissiono^r, & doe order, that the freemen shall haue libertie to make anew election yearly, according to the first graunt, leauing them to choose the same cōmissiono^r, or others, as they shall please, filling vp the whole number of seauen.

Bostons an-
swer.

In answer to the petition of the new church at Boston, the Court declares they haue not, nor intended in their advice giuen, condemned or discouraged the church or M^r Powell frō exerciseinge in publicke till it please God to pvide better for them; but o^r advice is agaynst pceeding to establish M^r Powell a teachinge elder, & the reasons which induce vs are these: that, notwithstanding the judgment of the church concerning M^r Powells abilities & fittnes, yet the Court are not satisfied of the expediency of their pceeding^e in respect of this place of such publicke resort, & considering the humo^r of the times in England inclining to discourag learning, agaynst which we haue

New ch^h an-
swer.

1652. born testimony, this Court, in or petition to the Parliament, which we should contradict if we should approue of such pceeding℥ amongst o^rselues.

23 October.
Court℥ advice.

[*369.]

The Generall Court haueinge receiued credible information that the new church in Boston haue chosen M^r Powell to be there minister, & that he hath accepted of there choyce, they thinke it meete, in respect of the trust the country hath committed to them, louingly to advise both the church & M^r Powell to desist from any further *pceeding℥ therein for many reasons to long to be incerted herein, which yet they shall communicate to the church or M^r Powell, if they desire it, and doubt not, therefore, of the church & M^r Powells attendance to this advice, & the rather because they may be competently furnished with an able minister, which, as it is mostly desired, so will it tend most to the aduancement of Godes glory & increase of peace, with Christian loue, with comfort to themselues & there neighbours, of which they will haue no cause to repent; for the furtherance whereof the Generall Court will not be wanting in there endeouours.

Brentons answer.

Martha Brenton desireinge an Irish boy & girle, about the age of 12 yeares, for servant℥, hath her request graunted, so as the pties are p^rued before two magistrat℥ to be borne of English parent℥.

M^r Hills answer.
Matthew's fine remitted.

M^r Joseph Hills, p^rferring a petition for the remittment of fines imposed on the ch^h of Maldon & there pasto^r, receiued this answer: that M^r Mathewes fine should be remitted, & ten pounds remitted of the ch^{ches} censure.

George Bowers, of Cambridge, beinge fined ten pounds for giueinge votes for the magistrat℥, being a nonfreeman, was fined ten pounds, & vpon his petition to this Court, hath five pounds of his sd fine abated.

Ternes answer.

Miles Terne sellinge a p^rcell of land to the value of twelue pounds, for the vse & behoofe of two small children his wife had by a former husband, vpon his request to this Court, the sale of the sd lands is hereby confirmed to the purchaser peaceably to enjoy.

Rices answ.

Edmund Rice, of Sudbury, p^rferring a p^r℥ for the graunt of three little peeces of meddow, con^t about twenty acors, & thirty acors of vpland, lying a mile from Cochituate Brooke, or thereabout, hath his request graunted, viz^t, fifty acors of land in the place aboue mentioned, whereof twenty to be meddow, if it be there to be had, & that Cap^t Willard & Lieut^t Goodenow are hereby appoynted to lay it out.

Naticke bounds.

It is ordred, that Cap^t Lusher, M^r Jackson, the surueio^r generall, W^m Parkes, & Sargent Sherman, or any three of them, shalbe & hereby are impowered to lay out meet bounds for the Indian plantation at Naticke, betweene this & the next Court of Election, makeinge there returne to the Court.

It^e ordred by this Court that the clarke for the Howse of Deputyes shall
acc^o wth the audito^r generall for all such sums as he hath from time to time
receiued *in reference to his allowance for his service, & that the audito^r shall
signe him a bill for the payment of what shalbe found due to him from the
country.

1652.

23 October.
The clark^e
acc^o.

[*370.]

Cap^t Richard Dauenport aknowledginge, vnder his hand, the receipt of
fower hundred & fowerscore pounds, dew to the garison from the farmers of
the custome of wines for fower yeares last past, this Court doth therevpon
order that the band of the sd farmers shalbe deliuered vpp to them, & they
are hereby discharged.

This Court doth order that the bill assigned by Joseph Jewett, steward
for the Howse of Dep^te, to the auditor, for Cap^t Walker, should pass, & that
the sd Cap^t Walker be also allowed forty shilling^e for the loss of a mare foale,
when he lent his mare to M^r Bellingham for the countryes vse.

Capt. Walker
recompensed.

Mary Woody, late the wife of Joh Woody, deceased, desiringe the helpe
and aduise of this Court in the ordringe & manninge of the estate of her
sd late husband, receiued this answer: that the petitioner should make vpp
the acc^o, & p^rduce the same wth the will & the inventory, to the next Quarter
Court at Boston, who haue power herein to determine the case.

Woodyes an-
swer.

In answer to the petitiō of M^r Nicholas Shapleigh, the Court doth graunt
the petitiono^r free lib^tie to come into any part of this jurisdiction, & depart
home, wthout any restraynt to his pson, for the terme of one yeare, & shall
haue lib^tie to sue any pson, or to review any action that by any of o^r Court^e
hath past agaynst him, or petition any Court for releife, p^rvided that what the
sd M^r Shapley shall recouer of any pson by all or any the meanes affore^sd
shalbe liable to any attatchment or executiō which any pson shall lay vppon
them. Dated the 26th October, 1652.

M^r Shapleys
answer.

26 October.

In answer to the pet^t of Mennen Cornelison, it is ordred, that the petition-
o^r shalbe satisfied, by the administrato^re of Cap^t Howsen, the whole value of
the estate put aboard Cap^t Howsen, proued by Alexander Monroes & Richard
Stajnes, according as it shalbe valued by M^r James Garrett, & two men
chosen, the one by one p^rtye, the other by the other, or any two of them; & if
any of the p^rtyes shall refuse or neglect to chuse a man as affore^sd, then M^r
Garrett & the other shall pceed to valuation; & that there shalbe a true inven-
tory of the estate brought in vppon oath to the next County Court, by reason
of many other debt^e oweinge by Cap^t Howsen, which will appeare vppon
good proff, & that the creditor^e may haue power to psecute by law for re-
couery of their debts in any County Court^e.

Dutchmans
answer.

1652.

25 October.

[*371.]

Answ. to.

President & an-
EWCE.

*The South Company in Boston, p̄ferring a second p̄t for Cap̄t Leuerett to be theire cap̄t, are referd for answer therevnto to the ans^r of theire former p̄t of the like nature.

In answer to the petition of the p̄sident & fellowes of Harvard Colledge for the layinge out of eyght hundred acors of land giuen them by M^r Robt Cooke, late of Charlestowne, it is ordred, that theire petition be graunted, & that they haue libtie to imploy such as they please to find out such a place or places as may be most commodious & convenient for them, & to returne to this Court what they haue done therein, to the end it may be layd out & confirmed to them.

Old Alces an-
swer.

In answer to the petition of Alce, an old Welch womā, she is to be set at libtie out of prison & discharged.

Martin Stebbins, p̄feringe a petition for libtie to keepe a howse of entertaynment, hath his request graunted, if the select men of Boston giue way therevnto.

1653.

18 May.

[*372.]

**Att a Generall Court of Election, held at Boston, the 18 of the
3^d Moth, Anno 1653.*

Chosen : —

John Endecott, Esq̄, Gouverno^r.Richard Bellingham, Esq̄, Dep^t Gou^rno^r.

Assistants · Increase Nowell, Gen^t,
Symon Bradstreet, Gen^t,
Samuel Symonds, Gen^t,
William Hibbens, Gen^t,
Cap̄t Robt Bridges, Gen^t,
Thomas Flint, Gen^t,
John Glouer, Gen^t,
Thomas Wiggan, Gen^t,
Cap̄t Daniel Gooken, Gen^t.
Major Daniel Denison, Gen^t, Major Generall.

Symon Bradstreete & Cap̄t W^m Hathorne, Gen^t, Comissiono^rē.Edward Rawson, Gen^t, chosen Secretary.Richard Russell, Gen^t, chosen Treasurer.

The names of the Deputyes : —

1653.

18 May.

Salem : Lieu^t Thomas Lothrop, M^r Jacob Barney.
 Charlstowne : M^r Richard Russell, Cap^t Frauncis Norton.
 Dorchester : Lieu^t Roger Clapp, Ensigne Hopestill Foster.
 Boston : Cap^t John Leuerett, Cap^t Thomas Clarke.
 Roxbury : M^r John Johnson, M^r William Parks.
 Watertow : Serg^t John Sherman, Michael Berstow.
 Lynn : M^r Thomas Layton.
 Cambridge : M^r Edward Jackson, M^r Richard Jackson.
 Ipswich : M^r John Whipple, M^r George Gittens, M^r Samuel Winsley.
 Newbery : Cap^t W^m Gerish.
 Waymouth : Thomas Dyer.
 Hingham : Cap^t Joshua Hubbard, Ensigne Je^r Howchen.
 Concord : Major Symō Willard.
 Dedham : Lieu^t Joshua Fisher, Francis Chickeringe.
 Salisbury : M^r Samuel Winsley.
 Hampton : M^r Roger Shaw.
 Rowley : M^r Joseph Jewett.
 Sudbury : M^r Edmund Rice.
 Brauntry : M^r Peter Brackett, Stephen Kinsley.
 Douer : M^r Valentine Hill.
 Strabery Banke : M^r Brian Pendleton,
 Gloucester : M^r W^m Steuens.
 Wooburne : Cap^t Edward Johnson.
 Wenham : M^r Pheneas Fiske.
 Hauerill : M^r Rob^t Clements.
 Reading : William Cowdrey.
 Springfield : Cap^t Humphrey Atherton.
 Maldon : M^r Joseph Hills.
 Meadfeild : M^r Ralph Whellocke.
 Kettry : M^r John Wincoll.
 Yorke : M^r Edward Rushworth.

Cap^t Humphrey Atherton was chosen Speakē for the Howse of Deputyes for this session of Court.

W^m Torrey was chosen Clarke for the yeare ensuinge.

M^r Joseph Jewet & M^r William Parkes chosen Stewards.

IT is ordred by this Court & the authoritie thereof, for p^rventinge of any [*373.]
 such trade as may be of dangerous consequence to o^rselues, as the Phibition of
 strengthninge of p^rsons in hostilitie to o^r nation or o^rselues, that from the publi- trade with
 cation hereof all persons in o^r jurisdiction are phibited from carieng p^rvisions, Dutch or
 French.
 as corne, beefe, pease, bread, or porke, &c, into any of the plantations of Dutch
 or French inhabiting in any of the p^rts of America ; & in case any shall so doe,

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they shall pay treble the value so traded, vppon legall conviction ; to which end caution shalbe giuen by all shippes or smaller vessells that shall transport any pvisions for trade, that they shall not deliuer, directly nor indirectly, any of the before phibited provisions to any of the psons or theire assignes before excepted ; in psuance whereof, if any pson transportinge as before intended shall not giue in caution to the double value to the clarke of the County Courts, or the secretary at Boston, whence they sayle from, to assure his fidelity to this order, he or they shall forfeit such vessell & goods, the one fourth part to the informer, the rest to the country.

Woole to be washed before it is offered for sale.

This Court, takeing into consideration the necessity of a right ordering of woole in seuerall respect℄, doth order that all manner of psons who are owners of sheepe, & shall put the woole to sale, shall, & hereby are, enjoyned yearly to wash theire sheepe in cleare water, not beinge either salt, brackish, or dirty, & also that care be taken that they may not be kept in durty or sandy ground betweene the time of washing & shearinge ; & it is further ordred, that in making vp the fleeces due care be taken that no short lock℄, lumps of durt, be wound vpp therein, vppon the pœnalty of forfeiture of twelue pence - p sheepe, in defect of all or any of the p̃ticulers aboue mentioned.

Choyce of cunstables in Boston. Fine £10 for refusing to serve.

Forasmuch as it is of great concernment to the country, that in all townes therẽ should be meete psons chosen to the office of cunstable, this Court finding by experienç & some complaynt℄, that in greater townes, especially in Boston, many who are meete & fit to serue the country in such offices, by reason of the smalnes of the fines y^t townes haue power to impose for such refusall, which is but twenty shillings, take encouragment to withdraw themselues from the cuntryes service in such respect℄, it is therefore ordred, that henceforth it shalbe in the power of y^e towne of Boston to impose the fine of ten pounds on euery such pson that shall refuse to serue the country in the office of a cunstable in y^t towne, that in his pson is able to execute the same, & the select men of the towne of Boston are hereby from time to time impowered *by a warrent signed vnder the hands of the major p̃t of the s̃d select men for the time beinge to the cunstable, who shall leuy the same by distress, & deliuer the s̃d fine to the s̃d select men, to be improued for the towne, as a towne stocke ; & all other townes haue liberty to fine any pson fine pounds for the like offence.

[*374.]

Horses rated.

Whereas the order made to regulate in poynt of rateinge for the cuntryes vse p̃vided how horses, mares, & colt℄ should be valued, which at p̃sent is farr below what they are worth, for redressing whereof this Court doth order, that in all country rates euery mare, horse, & gilding of fower yeares old & vpwards, shalbe valued at sixteene poundes ; of three yeares

old at ten pounds; of two yeares old at seven poundes; of one yeare old at three pounds ten shilling℥; & this to contynue for two yeares only, vnles the Generall Court shall see cause to contynue or alter the same.

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There havinge beene more then ordinary expences this yeare, by reason of the troubles & other needfull & vrgent occasions, so that the añual country leuy will not reach to satisfaction of o^r engagement℥, it is therefore ordred by this Court, that the Treasurer shall forthwith issue out warrent℥ to the cunstabes of the seuerall townes in this jurisdiction, requiring them to signifie to the select men of each towne, that at the time appoynted for the yearly making of rates, each townes proportion be as much more as hath bin vsuall in times past, both in respect of heads & estates, & doe therefore order the s^d select men to act herein accordingly. Double rate.

It is ordred by this Court, that the Commissiono^r℥ Court at Portsmouth shall haue equall power for triall of actions within themselues, to the value of ten poundes, as Yorke & Kettery haue, which shall continue till the Court take further order; & the County Court℥ of Douer & Portsmouth shall añually haue theire Court℥ vppon the last Tuesday in June, & the county of Yorke-shire shall haue the County Court the Thursday followinge. Portsmouth power.

For the incouragment of Haruard Colledge, & the societie thereof, & for the more comfortable mayntenance & prouision for the p^sident, ffellowes, & student℥ thereof, in time to come, this Court doth graunt vnto the s^d societie & corporation, for the ends affore^sd, two thousand acors of land, within this jurisdiction, not formerly graunted to any other, to be taken vpp in two or three places, where it may be found convenient; & to this end tis desired that the s^d corporation of the colledge will appoynt some persons in theire behalfe to find out the place where such land may be freely taken, & to make returne as soone as they may, that the Court may more peticulerly & expressly confirme the same. Colledge graunt.

Seuerall Indians of Pascataq desiringe to submitt to this *gouernment, for seuerall reasons, are respited for a positieue answer vntill the next session of this Court. [*375.]
Indians offerr.

Mr Deane Winthrop, p^ferringe a petition to be freed from trayning, is left to the discretion of his captayne, to act therein as he shall judge meete, according to law. Winthrops answer.

The South Company of Boston, p^ferringe a petition for Capit Leuerett to be theire captayne, are denyed theire request, it being contrary to law, he beinge already capt of a troope of horse in Suffolke regiment. South Companys answ.

John Hawthorne, p^ferring a pe^t for remission or mitigation of his punishment for his offence, receiued this answer: that forasmuch as the crime Hawthorns answer.

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Crime forgery.

confessed by him could not easily be legally proued agaynst him had he not confessed it, & y^t the law ordayne æquall punishment in that case for all offences of that nature, although of diffrent degrees, according to which all inferior Court^l are bound to pceede, yet the Generall Court, being at more liberty, may pportion the punishment according to the diffrence of offences of that nature, & therefore doth order, that the petitiono^r, in leiu of the punishment in the law appoynted, shall pay double damages, which is twenty pounds, to the party wronged, & ten pounds to the common wealth, to be forthwith leuied, & be disfranchised. If he doth not submitt to the sentence, then the law that pvides ag^t fforgery is to take place in euery pticuler.

Fletchers discharge.

Joseph Fletcher, seruant to M^r Hall, of Salsbury, is exempted frō any presse this so^mer, beinge the cheife stay of his family.

Parkes graunt.

There beinge formerly fower thowsand acres of land graunted to the towne of Roxbury, of which M^r William Parkes was to haue one hundred fowre score & one, which, vppon his request to this Court, is hereby ordred, with the addition of so much as may make the same three hundred acors, to be layd out by Cap^t Willard & Sergent John Sherman, neere the land lately graunted to M^r Joseph Hills, at a place called Nanacanacus.

Powder lent.

It is ordred by this Court, that the surveyo^r generall shall lend two barrells of good powder to M^r Pendlton for p^sent, to be returned agayne vppon the tender of the sume of thirteene pounds nynteene shillings & ten pence, which wilbe satisfactory to all p^sons concerned herein; & doe further order, that the fiftene pounds dew to the country from John Bett^l be payd to the surveyo^r generall to purchase powder withall.

Gouernors gratuitie.

This Court doth thankfully acknowledge the good service of o^r p^sent hono^r^d Go^vno^r, in regard of his vnwearyed paynes & constant care in regard of the trust comitted to him the last yeare, in the place of Gouerno^r, and as a testimony thereof desire his acceptance of the sume of one hundred pounds, which we order to be payd him out of the next country rate.

[*376.]

Bostons answer.

*In answer to seuerall propositions of the towne of Boston, p^sented to the Court^l consideration, viz^t, measuring of boards & cord wood, 1. This Court thinkes meete to leaue it to the select men of Boston & Charltowne to order therein, & to appoynt meet p^sons to cary on the same.

2. In reference to the buildinge of a powder howse in Boston, it is left to the deputies of Boston & Charltowne to act herein for the furtherance of the same, & to p^sent such orders for the secureinge thereof as they judge to be necessary to the next session of Court to be confirmed.

3. That the choyce of audito^r & surueyo^r geⁿiall aⁿually be left to the considera^ço of the next session of Court.

The rest of the pposition are, or wilbe, answered this Court by seuerall orders.

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It is ordred by this Court that the secritary shalbe satisfied for what he hath done in writinge for the comissiono^r℥ out of the next country rate, at 8^d p page, as the law guides in another case, & that the seuerall pportions of the other colonyes be by the auditor taken notice off, & brought to account.

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Secretary satisfied.

There beinge two petitions pferd to this Court, the one from seuerall of the inhabitant℥ of Concord & Wooburne, the other from M^r Eliott in the behalfe of the Indians, for land bordering vppon the Riuer Merimacke, neere to Paatookett, to make plantations, receiued this answer: First, that the inhabitant℥ who are petitiono^r℥ of Concord & Wooburne shall haue graunted the tract of land mention^d in there petition, exceptinge some pt of it joyninge to Merimack^e Riue:, pvided that the sd petitiono^r℥ shall sufficiently breake *breake* vpp full so much land for the Indians, in such place as they shall appoynt within such plantation as shall there be appoynted them, as they haue of plantinge ground about a hill called Robbins Hill, & that the Indians shall haue vse of their planting ground affore^sd, free of all damage, vntill the petitiono^r℥ shall haue broken vpp the land for the Indians, as affore^sd.

Paatookett
graunted.

2^y. For the Indian plantation petitioned for by M^r Elliott, this Court thinkes meete to graunt it y^m, with the exceptions & pvisions before mentioned; & for the stateinge of both, Cap^t Willard & Cap^t Edw: Johnson are hereby appoynted to lay out the sd plantations or townships, the English at the charg of the petition^r℥, the Indians at the charge of the country, within one moneth after the end of this session, that neither of the plan^t be retarded.

Indians
graunt.

3^y. That if the petition^m of Concord & Wooburne shall not, within two yeares, settle a competent number of families there by building & planting vppon the sd tract of land, namly, 20 families or vpwards, so as they may be in a capacity of enjoying all the ordinances of God there, then the grant to be voyd.

*Whereas the towne & plantation of Dedham, being somewhat remote, may be in more danger then some others are, this Court doth therefore order, that the surveyo^r generall shall deliuer vnto the select men of Dedham one of those draks at Roxbury, pvided they satisfy them what charge they haue expended in mounting the sd gun, & also keepe it in good repayre, fitt for seruice, & that the surveyo^r geñ is hereby impowred to fetch a greater gun from Dorchester to Roxbury, if it be desired, paying y^m for the mounting of the same.

[*377.]

A drake to
Dedham.

Thomas Wiggan, gen^r, pfering a petition for the confirmation of a Sqvamscott.

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pattent & the graunt of a writt of diuision for a tract of land at Squanscott, is referd for an answer vntill the yeare 1654, in October, & that in y^e meane time there be a forbearance of falling of any wood or tymber vppon the land herein exprest.

Highways.

It is ordered, that Cap^t Richard Walker, Leiut Thomas Marshall, Nicholas Holt, & Richard Baker, or any three of them, shall lay out the common high way betwixt Andeuor & Redinge, as may be most convenient for the vse of the country, & make theire returne hereof to the next session of this Court.

Lowles answer.

Vppon a motion made to this Court by Richard Lowle, of Newbery, brother to John Lowle, deceased, this Court doth order, & hereby giue full power to the County Courtℓ, either of Salem or Ipswich, to appoynt some meete pson to receiue the portions of James & Joseph Lowle, sonnes of John Lowle, deceased, the s^d Richard beinge very sickly, & thereby vncapable to looke any further after the same, that so it may be improued for the best advantage.

Nashaway.

The Courtes answer to a petition p^sented from the inhabitants of Nashaway, año 52, concerning the settleing of the plan^t in seuerall p^ticulars.

1. First, it is determined that the orderinge & disposinge of the plantation of Nashaway is wholly in this Courtℓ power, as appeares by an order of the Generall Court in año 1647.

2^y. Consideringe that there is already at Nashaway about 9 families, & that seuerall, both freemen & others, intend to goe & settle there, some whereof are named in theire petition, this Court doth hereby giue & graunt them libertyes of a townshipp, &, at the request of the inhabitantℓ, doe order it to be called Prescott.

3^y. That theire lymittℓ shalbe set out accordinge to a deede of the Indian sagamore, viz^t, Nashaway Riuer, at the passing ouer to the center, & fīue miles north, fīue miles south, fīue miles east, & three miles west, & y^t this Court appoynt some commissiono^rℓ to se these lynes extended & theire bounds lymitted.

[*378.]

4^y. That Edward Brecke, Nathaniel Hadlocke, W^m Carley, Thomas Sawyer, John Prescott, & Ralph Haughton, *or any fower of them, whereof the major part to be freemen, to be for p^sent the prudentiall men of the s^d towne, both to se all allotmentℓ layd out to the planters in due p^portion to theire estates, & also to order the prudentiall affayres vntill it shall appeare to this Court that the place be so farre settled with able men as the Court may thinke it capable of, giueing them full lib^tie of a townshipp accordinge to law.

5^y. That all such psons who haue possessed & contynued inhabitantℓ at Nashaway shall haue their lottℓ formerly layd out confirmed to them, pvided they take the oath of fidelity.

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6^y. That Sudbury should make cart wayes within their bounds to pass to & from the s^d plantatiō.

7^y. That the s^d inhabitantℓ be rated for publicke charge within the county of Midlesex, & to that end the towne may choose a cunstable.

8^y. That they take care that a godly ministry may be mayntayned amongst them, & y^t no euill psons, enemies to this cōmon wealth in judgment or practise, be admitted as inhabitantℓ amongst them, & none to haue lottℓ confirmed but such as take the oath of fidelity.

9^y. It is hereby declared, that although the first vndertakers & copartners in the plantation of Nashaway are wholly evacuated of their clayme in lottℓ there by order of this Court, yet that such psons of them who haue expended either charge or labour for the benefitt of the place, & haue helped on the worke there from time to time, either in contributinge to y^e ministry, or in the purchase from the Indians, or any other publicke worke, that such psons are to be considered by the towne, either in pportion of land or some other way of satisfaction, as may be just & meete, pvided such psons doe make such their expences clearly appeare in six moneths.

This Court, takeing the condition of Nashaway into further consideration, doe order, that it shalbe called henceforth West Towne, & doe further confirme there graunt of 8 miles square, which was formerly graunted them, which will encourage many to plant there.

Nashaway, afterwards West Town.

In answer to an other petition from the inhabitantℓ of Nashaway for settling of their graunt, this Court doth order the plantation at Nashaway to center, as in the Court order of May, 52, (which is the foregoing order,) & to be layd out in pportion to eyght miles square, & that the seuerall p^ticulers, being in number nyne, be confirmed to them, saue in the close of the 2^d article, about the name of the towne, that the name of it be henceforth called Lancaster, & in the sixth article, that Sudbury & Lancaster lay out high wayes, according to y^e Court order, for the cōntries vse, & them repayre as need shalbe, * & that in stead of six moneths, expressed in the close of the 9th article, such psons to haue twelue moneths, from the end of this session, for such demaundes; and that the intrest of Harmon Garrett & such others as were first vndertakers, or haue ben at great charges there, shalbe made good to him, them, or his or their heires, in all their allotmentℓ, as to other there inhabita^tℓ, in pportion to charges expended by him & such others, afores^d, pvided they make improuementℓ of such allotmentℓ, by buildinge & plant-

[*379.]

1653. inge, within three years after they are or shalbe layd out to them, otherwise
 18 May. theire intrest℥ hereby pvided for to be voyd, & all such lands so hereby
 reserved to be at the townes dispose.
- Tompsons fine. W^m Tompson, being vnder a fine of five pounds for the breach of an
 established law of this comon wealth, on his petition, hath the one halfe of
 his sd fine remitted.
- Executioner exempted. Thomas Bell, the executioner, is to be allowed out of the next leuy the
 some of fovreene shillings, expended by him for ropes & ladders for the
 better executing of his office; & the sd Bell is hereby exempted from trayn-
 inges, watching℥, & wardinges.
- Libertie to trade. Cap^t Joh Leuerett, M^r James Oliver, & Ensigne Scotto hath hereby
 libtie graunted to send forth to Monseir La Tour the foreſd Ensigne Scotto
 with a vessell of seuteene tuns, to carry flower, pease, & such pvisions as
 they shall haue occasion to send forth in this voyge.
- Johnsons purchase. John Johnson, of Roxbury, having purchased one acor & one roode, be
 it more or les, in Roxbury, afforeſd, of Thomas Hawly & Dorothy, his wife,
 vppon his request to this Court, hath his deed of sale confirmed.
- Edsalls fine. Thomas Edsall, being vnder a fine of putting in a vote for a magistrate,
 not being a freemen, hath his fine abated to twenty shilling℥.
- Rice his farme. There beinge a graunt formerly made of 200 acors of land to Cap^t
 Jeanison, & sould by him to M^r Edmund Rice, of Sudbury, & to be layd out
 by M^r Edward Allen & M^r John Oliuer neere the bounds of Dedham, the sd
 commissiono^r℥ beinge dead, & the worke not yet finished, it is ordred, on the
 request of the sd M^r Rice, that Cap^t Willard & Serg^t John Sherman be
 appoynted to lay out the sd land accordinge to order, makinge theire returne
 to the next session of this Court.
- Coles graunt. M^r Samuell Cole, of Boston, hauing longe since disbursed fifty pounds in
 the common stocke, as appeared by good testimony to the Court, on his
 request, hath 400 acors of land graunted him at Nonatocke, to be layd out by
 Captayne Willard.
- [*380.] *Elias Stileman, of Salem, pferring a petition for a lycence to draw wine,
 is referred to the County Court at Salem, to answer his pe^t.
- Stilemans answer. Johnson confirmed. At the request of the inhabitant℥ of Marblehead, M^r Frauncis Johnson
 is hereby allowed to be theire leutenant.
- Strabery-banks answe. The inhabitant℥ of Strabery Banke pferring a petition for equall priui-
 ledges with other townes, in respect of choyce of magistrates, &c, are denyed;
 but as a further answer to y^m, in respect of theire military officers, the Court
 of Douer or Straberybanke may confirme such as they shall p^sent, who haue
 hereby also power to nominate & confirme commissiono^r℥ for the endinge of
 small causes vnder 40^s, as in other townes.

It is hereby ordred & declared, that the execution of all judgment℥ issued by the Generall Court℥ & Court℥ of Assistant℥ should belonge to the generall marshall, Edward Mitchelson.

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18 May.

Generall mar-
shall.Dutchmans
case.

The Court, haueinge heard & considered all the euidences of the case betweene Menen Cornelison & M^r Robt Knight, & the rest of the administrators to the state of Cap^t Howsen, doe approue & confirme the judgment of the former Generall Court in y^t respect, & declare the pceedinges of the marshall & the apprisers of certayne lands on the Fort Hill to be null, & orders that the secritary shall issue out an execution for y^e seuenty eyght pounds six shillinges, determined by the award of M^r Davison, M^r Garrett, & M^r Walker, the dew of the s^d Cornelison on the estate of the s^d Robt Knight, or any of the administrator℥.

Whereas, by order from the Generall Court, these fower townes, Ipswich, Newbery, Rowley, & Andeour, should appoynt men to lay out the co^mon high wayes for the country from towne to towne, we, whose names are herevnto subscribed, beinge therevnto appoynted, haue accordingly done it, beginninge at the south end of Andeavour, contynuing it in the cart way neere halfe a mile vnto a hill at the foot of the hill called Bare Hill, as it is marked with trees, then cominge into the beaten way which leadeth ouer a playne belonginge to Rowley, so leading on the southwest of a pond called Fiuemile Pond, & then contynuinge the cartway vnto a pond called M^r Bakers Pond, leauing the pond on the south, & so passinge ouer a little strip of meddow, & so on the cart way to M^r Winthrops playne, & so still the cartway on the south side of Cap^t Turners hill, & from thence the beaten way to Ipswich. Now, halfe a mile short of the Fiu Mile Pond *from Andeavour begins the way to Rowley & Newbery, goeing in the beaten way of the south side of the Bald Hills, & contynuinge the beaten way vntill it come to the vppermost Falls Riuer, then by marked trees leadinge into the cart path leadinge from Hauerill to Rowley, & so on to a new feild of Rowleyes, & from thence, as it is marked by trees, to Rowley. Now, the way from Andeavour to Newbery goes on the old cart way, leauing Rowley way at the begining of a playne by a little swampe called Berbery Swampe, & so on the old way to the Falls Riuer, & from thence straight vppon the north side of M^r Shewills high feild, as still doth appeare by marked trees, from thence keepinge the old cart way on the head of Cart Creeke, & so runing on the north side of Richard Thorlyes feild, as it is now fenced, & so to John Hulls bridge, & so ouer the end of John Hulls playne vnto M^r Woodmans bridge, neere the mill at Newbery.

Highwayes
laid out.

Bear Hill.

Baker's Pond,
to Ipswich.

[*381.]

Rout of roads
to Newbury.Wittnes o^r hands.

RICHARD BARKER, JAMES HOW,
THOMAS HALE, JOHN PICKARD.

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Coggans, &c.,
answer.J. Woody's es-
tate to be sold.

In answer to the request of M^r John Coggan & William Parkes, ouerscers of the will of John Woodey, the Court doth graunt liberty to M^r John Coggan, William Parkes, & Richard Woody, Senio^r, or any two of them, to make sale of all the whole estate, viz^t, of howsing & pt of the mill, together with all goodes belonging to the estate of John Woody, or any debt^l belonging to the estate, for the benefitt of the mother & child, p^rvided that securitie be giuen by M^r Coggan, or any other that will take the estate for the childes p^rportion at twenty fower yeares of age, & that due education & mayntenance be giuen out of the p^rceede of the estate so sould from time to time, till he come to age as affore^sd, & that the securitie be giuen in at the next County Court, & then ratified to the p^rty that receiues the childes portion.

Dauisen
answer.Misticke bridge,
toll to pay.

Vppon a petition p^rferred by M^r Nicholas Davison, in the behalfe of M^r Craddocke, in reference to Misticke bridge, it is ordred by this Court, & hereby declared, that if any p^rson or persons shall appeare that will engage sufficiently to build, repayre, & mayntayne the bridge at Misticke, at his or theire p^rp cost^l & charges, it shalbe lawfull, & all & euery such p^rson or p^rsons so engageinge are hereby authorized & haue full power to aske, require, & recouer of euery single p^rson passinge ouer the s^d bridge, one peny, & for euery horse & man six pence, for euery beast two pence, & for euery cart one shilling, & this to contynue so longe as the bridge shalbe sufficiently mayntayned as affore^sd.

[*382.]

Dedhams case.

*There beinge a difference betweene the inhabitant^l of Dedham & seuerall of the Indians about land which the Indians doe challenge within the bounds of there towne, vppon there request to this Court, M^r John Glouer, Capit Guggan, the surveyo^r generall, M^r Edward Jackson, & Leiu^t Roger Clapp, are appoynted a comitte^e & impowered to consider & determine what they shall judge necessary in relation to theire request, & make theire retu^rne to the next session of this Court.

M^r Bradstreet^l
answer.

In answer to the petition of M^r Sym^o Bradstreet & M^r Thomas Wiggan, the Court doth order that Elder Nutter & Francis Cary shall lay out for them one thousand acors of laud vppon the great Riuer of Newitchawanett, in such place as they shall make choyce off, not intrenching on *on* any towne boundes, p^rticuler mens p^rprieties, or to hinder a planta^t.

Ebedmelecks
censure.

Ebedmelecke, the serv^t of Jobe Lane, for runing from his s^d master, & stealing victuals on the Lords day, is adjudged to be whipt so it exceed not five stripes, the rigor of the law for his offence being remitted.

Springfeilds
answer.

In answer to the request^l of the inhabitant^l of Springfeild, it is ordred, that M^r John Pinchon & M^r Elitzur Holioke shall, & hereby are, impowered

to giue the freemans oath to such as are capable to take it there, & that they shall haue a great gun lent them dureing the Court℥ pleasure, if any such gunn can be found vndisposed off; & as touching theire military officers, this Court thinkes meete, for p̄sent, only to confirme M^r John Pinchon for theire leiu^t, & M^r Hollioke for theire ensigne, referring the confirmation of M^r Smyth for theire cap^t vntill he shall returne from England.

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M^r Thomas Gayner, p̄feringe a petition for releife in respect of wronge he p̄tendes he receiued from M^r W^m Aspinwall & M^r Edw: Bendall, about the ship Planter, reē this answer: that the Court finding vppon record that M^r Gayners attorney, in May, (52,) prophered that if M^r Aspinwall would take his oath that the busines of the ship Planter was included in the acquittance p̄duced, that it should issue, & determine the case; the which M^r Aspinwall did; & therefore conceine M^r Gayner is thereby barred, & hath no ground of further complaynt to this Court in respect of y^t case, but should therein acquiesce.

Gayners
answer.

This Court, vppon the request of the towne of Lynne, by reason of the cōtries former engagment to the s̄d towne of Lyn, & to the vndertakers of the iron workes, thinkes meet to allow them ten poundes p̄ aⁿum so long as the iron workes shalbe contynued, or dūring the time of theire imūnities from publicke charges, graunted by this Court.

Lynns suitie.

M^r Joseph Locke, of Boston, desireinge the resolutiō *of the Court whether a man be lyable to more then one fine for refusing to serue in the office of a cunstable the same yeare, it was resoluēd in the negatī, & may not be put vppon the same office agayne the same yeare.

[*383.]
Rockes reso-
lutio.

The towne of Rowley hauinge fīue hundred acors of land, formerly graunted, neere the bounds of Andevo^r, this Court, vppon theire request, doth appoynt y^t Ensigne Howlett & Corporall Gage should lay out y^e same.

Rowleyes
answer.

The question beinge put, whether one chosen for p̄uing of weight℥ & measures, being a select man when chosen, & being left out the yeare followinge, may not yet remayne in y^e place afforesd, it was resoluēd in the affir.

Weight℥ &
measures.

Stephen Kent, beinge fined fīue pounds for selling to much strong liquors to the Indians, desireinge the abatement of his s̄d fine, is denyed.

Kent's ans.

John Guppy, being vnder a fine for putting in six corne for the choyce of one maiestrate, hath his fine abated to twenty shillings.

Guppys fine
abated.

In answer to the petition of the inhabitant℥ of the Ile of Shoales, liberty is granted them for determining of ciuill actions which shall concerne them, where either one or both parties are inhabitant℥, & taken there, to the value of ten pounds; & that M^r Brian Pendlton, M^r Nicholas Shapley, Hercules

Ile of Shoales
answer.

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Hunkins, Richard Seeley, & Phillipp Babb be commissiono^{rs} for such cases, & y^t they, or any thre of them, M^r Pendleton or M^r Shapley beinge one, may heare & determine all such cases legally brought before them, according to law, till this Court take further order therein; & for settlinge the military officers & company, the Court hath already pvided in that case in the order for the settlinge of the militia, made año 1652, which giues the cheife officer of euery company power to act herein; & for clark of the writtℓ now being p^sented, it is left to the discretion of the commissiono^{rs} affore^sd, or the major p^t of them, to appoynt a meete man for that service, till the Court take further order therein.

Douers associ-
ntf.

The freemen of Douer hauing chosen Cap^t Walden & M^r Valentine Hill for associates, theire s^d choyce is confirmed by this Court.

Springfeilds
answer.

In answer to the inhabitantℓ of Springfeilds p^et, & others thereaboutℓ, this Court doth order, that M^r John Pinchon, M^r Holyoke, & some other of the petition^{rs} should be appoynted a committee to deuide the land petitioned for into two plantations, & that the petitiono^{rs} make choice of one of them, where

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*they shall haue liberty to plant themselves; p^{ro}vided, they shall not appropriate to any planter aboue one hundred acors of all sortes of land, whereof not aboue twenty acors to be meddow, till twenty inhabitantℓ haue planted there, whereof twelue to be freemen, or more, which s^d freemen shall haue power to distribute the land & giue out p^{ro}portions of land to the seuerall inhabitantℓ, as in other townes of this jurisdictions, & that the land be deuided accordinge to estates or eminent qualifications, & that Samuell Chapin be joynd wth M^r Pinchon & M^r Holyoke for the diuidinge of the townes.

M^r Jos. Hills
gratuitie.

M^r Joseph Hills p^sentinge a writeinge to this Court, wherein is containyd the seuerall p^{ar}ticularℓ wherein the country hath employed him about the lawes, on p^{ro}seall whereof the Court doth order, that M^r Hills should haue ten pounds allowed him out of the next country rate, in reference to what service he hath done.

Addams cen-
sure.

George Addams, for selling two guns & strong water to the Indians, & haueing nothinge to satisfy the law, is ordred to be whipt & discharged out of prison.

Yorke Courtℓ.

It is ordred, that M^r Belingham, Cap^t Wiggan, M^r Godfry, M^r Nicholas Shapley, & M^r Rishw^{or}th shall keepe the County Courtℓ at Yorke & Kettery for this yeare, at the times appoynted, & that they send out warrentℓ to the inhabitantℓ of Yorke & Kettery forthwth to p^{ro}ceede to a fayre election & nominatiō of three associates from amonge themselves to asist such magistrates & commissiono^{rs} as this Court shall appoynt to keepe theire County Courtℓ for the next yeare.

In answer to the pet of Hugh Gunison, cravinge the remittment of halfe a yeaeres rent dew to the country for his drawinge of wine, the Court graunt[℥] his request, pvided that he allow as his act the beinge & acting of Euan Thomas as his compleate agent & debtor for all rent[℥] dew to the country from the time he left the place & imployment here. 1653.

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Gunisons answer.

In the case betweene Colonell Birch & M^r Mauricke, it is resolved on, & by this Court declared, that Noddles Iland & appurtenances, in the same condition as is expressed in the deede of sale to Cap^t Brigg, doth belonge to Colonel John Birch, & possession is to be deliuered vnto him, his heires, or assignes, vppon the payment or legall tender of seuen hundred pound starlinge at the storehowse next the waters side, at the bridge in Barbados, in good marchantable suger, at prise current, as for bills of exchange payable in London imēdiatly after the expiration of thirty dayes sight of the judgment of this Court in this case, & that no charg be allowed to Colonel Birch. Birches case. Noddles Island.

*The hearing of the case betweene M^{rs} Mason & M^r Leader, in the request[℥] of their agent[℥], is respited vntill the next session of this Court. [*385.]

Masons case.

The comission^{rs} for the eastward bill of chardges, p^sented in seuerall p^ticulars to this Court, was 13^{li} 10^s 10^d. Comission^{rs} expenses.

It is ordred by this Court, that the record touching M^r Nic^o Shapleyes case, entred. In the case betweene M^r Nicholas Shapleigh & M^r Robt Knight, on the hearinge & examination of all the evidences, the Court judgeth it meete to reverse the judgment of the Court of Assistant[℥], the 5th of the 7th moth, 48, so far as it any way respect[℥] M^r Shapley. Shapleighs case.

In answer to the petition of Strabery Banke, it is ord^d, that there towne shalbe called Portsmouth, & that the lyne of their townshipp should reach from the sea by Hampton lyne to Wiñacout Riuer, leauing the p^prietors to their just right[℥] & intrest[℥]. Portsmouth.

The Generall Court doe not find John Bett[℥] legally guilty of the murdering of his late serv^t Robt Knight, but, forasmuch as the evidences holds forth great p^pability of his guilt of so bloody a fact, this Court doth adjudge him as followes:— John Betts his case, charged with murder of his servant.

First, that he stand vppon the gallowes one lower, with a rope aboute his necke, with one end throwne ouer the gallowes; 2^{ly}, that he be seuerely whipt; 3^{ly}, that he pay all the wittnesses 2^s p diem a peece for their attendance both at the Court of Assistants & at this Court; 4^{ly}, that he pay 15^{li} to the country towards the charge of the Court[℥], & that he be bound to the good behavio^r for one whole yeaer.

In the case betweene the widdow Wilson, of Brantry, & Thomas Faxon, about Joseph Wilson, son of y^e sd widdow Wilson, apprentice with the sd Wid. Wilsons case.

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Faxon, vpon a full hearinge of the case, the Court orders the s^d Joseph shalbe freed from his master, & be put apprentice to a new master by the select men of the towne & consent of two magistrates, & that y^e s^d Faxon haue 20^s allowed him in reference to all damages, & that therevpon the cow formerly distrayned be released.

A Court ad-
journd.

Whereas the Court at Salisbury was adjourned to the second third day of the fourth moth p^{re}sent, by reason of the troubles about the Indians, & some p^{er}sons questioned the legality thereof, this Court doth order the fore^sd adjournment shall stand good, & the s^d Court be kept accordingly.

Act^l illegall.

[*386.]

The Deputyes p^{er}ceiueing that some late act^l of o^r hono^rd Magistrates in tender respect to the welfare *of the people, viz^t, the p^{re}pareing of victualls & men to be in a readynes in case of imergent dangers, is not satisfactory vnto many inhabitant^l in all or most of the plantations in this jurisdiction, conceiueing that the lawes here established haue otherwise p^{ro}vided, & doe not so fully & clearly warrent those act^l, although we account & acknowledge o^rselues much bound to bless God for them & for their vigilant care for publicke good, & would by no meanes discourage or discountenance their good endeavours & intentions therein, yet, in discharge of the trust by God & his people committed to this Court, we thinke it o^r bounden duty to desire o^r hono^rd Magistrates to consider seriously the fore^sd act^l, together with the seuerall lawes respecting such occasions, & that such order may by this Court be forthwith taken therein as may satisfy the myndes of the people in what is past, & that for time to come all occasions this way be avoyded, & a good vnderstanding be alwayes contynued & increased betwixt go^uno^rl & gou^{er}ned, which, vnder God, is the cheife strength of this common wealth, as of all others. This was to be issued at a conference.

Lyndes an-
swer.

M^r Symon Lynde, p^{re}ferring a petition for dammages ag^t Edward Bendall, sustayned by forbearance of money, is referred to the County Court of Suffolke for reliefe.

Birch his dec-
laration.

A declaration of Colonell Birch ordred to be recorded.

I doe declare & publish to all men whom these may concerne, that I will justifie, that by the knowne lawes of England, I haue a right & tytle to Noddles lland, in New England, & so cleare a right therevnto as any man hath to any thinge he there possesseth, the which I shall desire euery man whom it may concerne to take speciall notice off, that they be not deceiued in purchasing the same, or any part thereof, or paying any rent^l for any they doe hold, or may hereafter hold, from M^r Mauericke, his heires, or assignes; & I shall desire that this declar^a may be entred in the publicke records of New England, that all men may take care they be not deceiued, J. B.

This Court desires that the commissiono's for the Vnited Colonyes will please not to depart till the messengers sent to the Monados be returned, & then, vppon the answ: brought from the Dutch, there may be ground of pceeding accordingly; & if the commissiono's please, the Court doth thinke it wilbe convenient to send a messenger away speedly, to bring away the commissions for such as are comissiono's for the two jurisdictions of Conectecott & New Hauen, that so, if Gd call vnto a warre, there may be no interruption of busines.

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Comissiono's
called.

Vppon the case stated in reference vnto the injurys & diffrences with the Dutch, this Generall Court doth desire a consultation with the gentlemē y^e comission^{rs}, *takeinge in the advice of the elders as shalbe p^rsent at time appoynted; & M^r Samuell Symonds, Major Gen^l Denison, Cap^t John Leurett, Cap^t Humphrey Atherton are appoynted as a committee to joyne with such of the commissiono's for the Vnited Colonyes as they shall please to nominate, to draw vpp the case respectinge the Dutch & Indians.

Court consult-
ing, &c.

[*387.]

In answer wherevnto, the comissiono's made choyce of Cap^t Hawthorne, M^r Bradford, M^r Ludlow, & M^r Eaton to joyne with o^r comittee to consider & ppare the case for further advice.

Comissiono's
answer.

The question ppounded by the Gen^l Court, whether the comissiono's for the Vnited Colonyes haue power, by the articles of agreement, to determine the justice of an offensiuē or vindictiue warr, & to ingage the colonyes therein.

The answer of the Gen^l Court to the question. First, more p^rticularly from the articles.

Comissiono's
power dis-
cussed.

The whole power of jurisdiction & gouernment is in the 3^d & sixth article reserued to euery colony, who saw not meete to diuest themselues of theire authoritie, to invest the comissiono's with any p^rt thereof, being altogether vnnsaffe & vnnessessary to atayne the end of the confederacy.

The ninth & tenth articles constitutes the commissiono's judges of the justice of a defensiue warre.

The fourth & fifth settle rules for leagues & number of men in a defensiue warr & diuision of spoyles, but no where pvides for the determination of the justice of offensiuē warr, which therefore is reserued wholly to the determination of the supreamē power of the seuerall confederate jurisdictions, who would otherwise haue pvided in that case.

The sixth article, which at first view seemes to enable the commissiono's, will euidently evince the contrary, for the confederacy being betwixt the colonyes, the 4th, 5th, 9th, & 10th articles pvide rules, in seuerall cases,

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accordinge to which the confederates haue bound themselves to act, & the sixth article only orders & appoynt[℥] who & in what manner the s^d rules & agreement[℥] should be executed, viz^t, the commission^{rs}, (empowered to act in the cases specified, & regulated in the former articles,) who were also bounded & regulated for their number of men, manner of proceedinge, times & places of meeting in the sixth & seuenth article, & that by necessity, because the supream powers of the seuerall jurisdictions could not assemble, they were enforced to *substitute delegates to order such thinges as were of p^sent & vrgent necessitie, or meerly prudentiall & politicall, or of inferior nature, & that accordinge to rules prescribed by the confederates; but such thinges as require the highest act[℥] of authoritie are in their nature of morall consideration, & may admitt of more time of deliberation; as an offensive warr, the wisdome of the contriuers of the confederacy did not judge meete to referr to commissiono^rs, & therefore haue not p^rvided rules in those cases of highest concern^t, as they did in all cases of inferior nature.

Secondly, more generally.

The commissioners of the Vnited Collonyes are not (so far as we can discerne) invested with power to conclude an offensive warr, & to engage the colonyes to which they belonge to put the same in execution, farther then they are enabled by commission, or instruction, vnder the seale of their colony; much less can it stand with the jurisdiction & right of gouernment reserued to euery colony for six commissiono^rs of the other colonyes to put forth any act of power in a vindictiue warr, whereby they shall comānd the colonyes dissenting to assist them in the same; neither can it be the meaninge of the seuerall colonyes, who are so tender of their power in gouerning of their owne, that they should put this power out of their owne handes, in the most waighty poynt[℥]—a bondage hardly to be borne by the most subjected people, & cannot be conceiued so ffree a people as the Vnited Colonyes should submit vnto: it can be no less then a contradictiō to affirme the supream power, which we take to be the Generall Court[℥] of each jurisdiction, can be comāunded by others; an absurdity in policy that an intire gouernment & jurisdiction should prostitute it selfe to the command; a scandall to religion that a Generall Court of Christians should be obliged to act & ingage vpon the fayth of six delegates agaynst their conscience, all which must be admitted in case, if we acknowledge o^r selues bound to vndertake an offensive warr vpon the bare determination of the commissiono^rs, who cannot, nor euer did, challenge authoritie ouer vs, or expect subjection from vs.

And to add this further, the case in hand may be considered vnder a

double head; first, what supreame gouerno's of a common wealth, in poynt of confederatiō with an other nation, may doe; secondly, what this gouernment, in reference to the question in hand, hath done.

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Concerninge the first of these, it is to be considered what they may not, nextly what they may, doe.

Touching the last: first, they are to act in all cases not reserued expresly or implicitly; concerninge the other, they may not act ag^t fundamentall lawes, or what else the people haue reserued to themselues.

The next thing is to consider (in some instance) what fundamentall lawes are. A fundamentall law of a people, or common wealth, is, to haue liberty, & to *exercise imēdiate choyce of their owne gouerno's, beē the supreame gouerno's are betruſted with their liues & estates, in whom, vnder God, they doe acquiesce. But if they may delegate others, in stead of themselves, y^t are imēdiatly chosen, then they may elect or accept of straungers; that is to say, such as are of an other common wealth; and such delegates may also, vppon the same ground, impower others, & that without restriction of nation or number, which princypall, then, must needes be destructive to such a common wealth; for then they may act to make an offensive warr, which is an act of power in the highest nature.

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Concerning the second question, what this gouernment, in reference to this confederation, hath done.

It is a rule in law, that in any legall act, what expressions or sentences are in it of doubtfull constructiō, the same are to be vnderstood for the firmeinge thereof, as far as may be, viz^t, not being contradictory, not being imperfect or vntelligable, or not aboue or beyond the power of the actors: this being graunted, then the articles touching offensive warr may be referred either to the begining of the warr, or to the directinge of it, or the managing of it by the commissiono^{rs}. If any of the articles should be taken in the first sence, namely, to giue power to the commissiono^{rs} to make an offensive warr, then it is agaynst a fundamentall law, as before appeares; and besides the ground before mentioned, this may be added: in case the commissiono^{rs} should conclude a warr offensive agaynst the judgm^t of the gouerno^{rs}, who are to act in their owne jurisdiction, then they must act to effect it, either agaynst their owne consciences, or else leaue the worke in a distractiue condition; but if it be to be taken in the later sence, namely, to direct the warr, being began, it is safe & prudentiall, because the foure gouernment^l in this confederation cannot carry on a warr that doth joyntly concerne them to act in; though to conclude or accept of such a pposition or determinatiō by the commissiono^{rs}, for such a warr, may & doth pply belonge to all the gouernment^l before they be engaged.

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Comissiono^{rs}
questions.

Questions pponded by the commissiono^{rs}, viz^t:—

1. Whether the last meetinge of the commissiono^{rs}, at Boston, were not legally called, & may be legally contynued.
2. Whether the commissiono^{rs} of Conecticott, whose time is now expired, may not joyne with the other commissiono^{rs}, & act wth them.
3. Whether the adjournment of the meeting to New Hauen, frō Boston, doth bind the new comissiono^{rs} to attend it.

[*390.]

Court℥ answer.

*The Court℥ answer.

To the first. The last meetinge was legally called, but is & was dissolved vppon the expiration of all the commissions of the commissiono^{rs} of Massatsett℥ & Conectecott.

To the second & third we answer negatiuely.

The question being pponded, whether the commissiono^{rs} of the Vnited Colonies should be called by this Gen^l Court, to assemble together to consult of & determine the weighty affayres of the seuerall colonyes, here in Boston, forth with, or as soone as may be.

The Court℥ resolution of the question in the affirmat.

Some quæries necessary to be resolved by this Court, as the state of the affayres of the colonyes doe now p̄sent.

1. In case an extraordinary meeting of the commissiono^{rs}℥ be summoned to Conectecott or Newhauen, vppon a generall notice of danger, or information of a further discoûry of the plot suspected betwixt the Dutch & Indians, whether o^r commissiono^{rs} should goe or no.

2. If the times & wayes be dangerous, how they shall goe, & who shall make pvisions.

3. If the Indians make any assault vppon the English not in confederacy with vs, what is to be done?

4. If the commissiono^{rs} shall judge it necessary to make a defensiuē warr, whether this Court leaues it to the commissiono^{rs}, without consulting the Court℥.

5. If there should be need of raysinge souldiers, so judged by the commissiono^{rs}, how shall it be done?

6. In case there should be further & cleare proffe of the forementioned plott betwixt the Dutch & Indians, so judged by the commissiono^{rs}, whether this Court judges it just and necessary ground of warr, & would haue it p̄secuted accordingly.

The answer of the Court to these quæries pponded concerninge the commissiono^{rs}, with their instructions:—

1. To the first we answer affirmatiuely, according to the articles of confederation. 1653.

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2. To the second, if the times & wayes speake reall danger to the vnderstanding of the commissiono^rℓ, it shall & may be lawfull for them to desire a meetinge of the counsell, who haue power to pvide for their saftie in their journey.

3. To the 3^d, if the Dutch or Indians, in their owne defence, shall assault any English that are not o^r confooderates, we conceiue we need not trouble o^rselues; but in case the Dutch or Indians shall invade any of o^r countymen which are not o^r confederates, we conceiue o^r pceedingℓ therein should be as in the case of an offensive warr.

4. To the 4th, the articles speake fully & p^ticularly to the question. 5. To the 5th, the articles of confederacy & o^r owne lawes pvide sufficiently in that case.

6. To the 6th, we conceiue, as we haue already *declared to the commissiono^rs, we are not obliged to the judgment of the commissiono^rs in that case, & doe further refer you to o^r instructions followinge, viz^t: — [*391.]

If there be just & pressing reasons p^sented to yo^r consideration, which shall p^rpayle with yo^r owne vnderstandingℓ for the necessitie of an offensive or vindictiue warr, you shall certifie to the Gouverno^r yo^r owne opinnions, & the reasons & evidences that are p^sented to you in the case, that the Generall Court, which in that case is to be called, may receiue satisfaction therein, & act accordingly. In case of any invasion made vpon any of o^r confederates, or apparent danger thereof, the articles of confederation, more p^ticularly the 5th & 10th, may & ought to be yo^r instructiō, to which we are confident you will attend.

Whereas it is conceiued by some that the end of this Cortℓ sending their judgmentℓ concerning the articles of confederatⁿ vnto the hono^rd commissiono^rs was, or is, the breaking of y^e league of confederation wth the rest of the colonyes, this Court doth therefore signifie vnto all whom it may concerne, & that there may be a right vnderstandinge betwixt this Court & the hono^rd commissiono^rs that it was not in the least intended, neither is it desired; but as God hath bin pleased hitherto to keepe vs together in peace & loue, so we desire he will doe still to his glory, & all o^r comfortℓ.

We conceiue the proffes & p^sumptions aleged to be of much weight to induce vs to beleue the realitie of the plott of the Dutch & Indians agaynst vs, & haue great cause to acknowledge the speciall favour of God in the discouery thereof, & the faythfull care of his servantℓ in authoritie ouer vs as the meanes, vnder God, of o^r contynned saftie & peace; yet vpon serious & conscientious examinⁿation of the proffes p^rduced, we cannot find them so fully conclusiue as to cleare vp p^sent pceedingℓ for warr before the world, & to

A ptestatiō of
innocency.

The elders ad-
vice.

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beare vp o^r hart℥ with that fullnes of pswasion that is meete in commendinge the case to God in o^r prayers, & to his people in o^r exhortation, the begining℥ of strife beinge as the letting in of waters; & conceiuinge good cause to hope that the discouery of the plott, through the blessinge of God, is & wilbe a great disappoyntment of it, therefore we humbly conceiue it to be most agreable to the gospell of peace which we pfess, & saftie of those colonyes, to forbear the vse of the sword till the Lord, by his pvidence, & by the wisdom of his seruant℥ set oū vs, shall further cleare vp his mynd, either for o^r settled peace, or more manifest ground of warr, that we may not pceed doubtfully, & so vnsafely, in so weighty a case.

Guppy remit-
ted.

Joh Guppy, being vnder a great fine for puting in more cornes then one for the choyce of a magistrat℥, vppon his request to this Court, hath his fine abated to twenty shilling℥.

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30 August.

**.Att a Generall Court of Election, held att Boston, the 30th of the 6th Moth, 1653.*

About the
Sabaoth.

VPPON information of sundry abuses & misdemeano^{rs} committed by seuerall psons on the Lords day, not only by children playinge in the streetes & other places, but by youthes, maydes, & other psons, both straungers & others, vnciuilly walkinge the streetes and feilds, trauilling from towne to towne, goeing on shipboard, frequentinge common howses & other places to drinke, sport, & otherwise to mispend that p̄cious time, which thinges tend much to the dishono^r of God, the reproach of religion, & the pphnation of his holy Sabaoth, the sanctification whereof is sometime put for all duties imēdiately respectinge the service of God contained in the first table, it is therefore ordered by this Court and the authoritie, that no children, youths, mayds, or other psons, shall transgress in the like kind, on penalty of beinge reputed great p̄vokers of the high displeasure off Almighty God, & further incurringe the p̄naltyes hereafter expressed, namely, that the parent℥ and gouerno^{rs} of all children aboute seuen yeares old, (not that we approue of younger children in euill,) for the first offence in that kind, vppon due profe before any magistrate, towne commissioner, or select man of the towne where such offence shalbe committed, shalbe admonished; for a second offence, vppon due profe as aforeśd, shall pay as a fine fūe shillings; & for a third offence, vppon due profe as aforeśd, 10^s; and if they shall agayne offend in this kind, they shalbe p̄sented to the County Court℥, who shall augment punishment according to the meritt of the

fact: & for all youths & maydes above foorteen yeares of age, & all elder psons whatsoever that shall offend & be convict as afforesd, either for playing, unciuilly walking, drinkinge, travillinge from towne to towne, goeing on ship-board, sportinge, or any way mispending that p̄cious time, shall for the first offence be admonished, vpon due profe as afforesd; for a second offence, shall pay as a fine five shillings; & for a third offence, ten shilling; & if any shall farther offend that way, they shalbe p̄sented to the next County Court, who shall augment punishment accordinge to the nature of the offence; & if any be vnable or vnwillinge to pay the afored fines, they shalbe whipped by the custable not exceeding five stripes for 10^s fine; & this to be vnderstood of such offences as shalbe committed dūreing the day light of the Lords day.

Vpon complaynt of sundry abuses & inconveniences by occasion of the libtie for sellinge beere at three pence the quart, it is ordred by this Court that henceforth no beere shalbe sould for more then two pence the quart; & that branch of the law that allowes beere to be sould at three pence the quart is hereby repealed; p̄vided, this law take not place till one moth after this p̄sent session.

Whereas the last session of this Court passed an order concerninge publicke preachinge without allowance, which order we vnderstand is dissatisfactory to **to* diuerse of o^r brethren whom we haue cause to respect & tender, although we conceiue the sd order, rightly vnderstood, to be safe & much conducinge to the p̄seruation of peace & truth amongst vs, yet, that all jealousies may be remoued, the Court doth repeale the sd order, and doth hereby enact that euery pson that shall publish & mayntayne any heterodox or dangerous doctrine, shalbe lyable to be questioned & censured by the County Court where he liueth according to the meritt of his offence.

Vpon sundry complaynt of the great taxations vpon the country in reference to publicke charges respecting the weightie occasions of this common wealth, & for satisfā of the country therein, it is ordred by this Court & the authoritie thereof, that M^r Increase Nowell, M^r Edward Tyngē, M^r Joseph Hills, shall joyne with the audito^r gen^l to examine & take the Treasurers accō, who shall p̄sent the same vnder theire hands vnto the next session of the Gen^l Court, accordinge to the law, pag 16 in 2 booke; and it is farther ordred by the authoritie afforesd, that, in case of non appoyntm^t as that law p̄vides, that then the Treasurer shall tender his añuall accō to the Generall Court; & further, it is ordred by the authoritie afforesd, that the seuerall gross sums of all the incoms, viz^t, vpon the añuall rate vpon impost, vintno^s, entring of actions, fines, forfeitures, &c, as also of all expences, viz^t, of all Court, commissiono^s gratuities, allowances, payment,

1653.

30 August.

Beere at 2^d y^r
quart.Preaching of
priuat men.

[*393.]

Order on
preachers.Treasurers acc^o
exam. by a
committee.

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30 August.

debt^l, &c, be exactly by the auditor certified to the Generall Court annually, & expressed in all the coppies of the lawes sent vnto the seuerall townes made in the first session of the Court of Election, whereby the true state of thinges in that respect may be obuius to all that are concerned therein.

Appeales.

For a more cleare & equall hearinge & determiñg matters of appeale, it is ordred, & be it henceforth enacted, that no pson that hath sate as iudge, or voted in any inferio^r Court in that cause he is appealed from, shall haue any vote in the superio^r Court appealed vnto, but the case shall there be determined by such as are no way ingaged in the same by judging or voteinge in the same formerly, pvided there be more magistrates in the Court appealed to then in the Court appealed frō.

Jurors allowance.

Itt is ordred by this Court & authoritie thereof, that the graund iuro's at County Court^l be allowed 3^s p day out of the fines & other pfit^l not disposed off by any former order arising in each Court where they shall doe such service, or by the country if those incoms fall short.

[*394.]

Stronge waters
to be entered
before landed.

*It is ordred by this Court & the authoritie thereof, that euery pson whatsoever that shall bringe any strong waters into any of o^r harbours, except it shall appeare by coquett that they come directly from England, before he land any of y^m, shall first make entry of all & euery such caske, case, or other vessel of stronge waters, as he, or any for or vnder him, shall put on shore, by a note, vnder his hand, deliuered vnto the officer (at his dwellinge howse) ap-
poynted to receiue the customs, on payne of forfeiture of all such stronge waters landed before such entry made, wheresoeuer it shalbe found, the one halfe to the country, the other halfe to the officer, and the marchant or other pson, owner of such stronge waters, shall, vppon the landing of them, pay vnto the officer in the same commoditie for all strong waters, after the rate of ten shilling^l p hogshead; and it is farther ordred, that the officer may further doe in all respect^l as need shall require in the execution of this law, as is pvided in the law, title Impost^l, pag 27.

Marshalls &
cunstables fees
regulated.

Whereas all marshalls & cunstables, for seruinge executiōs & atatchment^l, haue bin by law allowed as their fees in all townes not exceeding one mile twelue pence, & for executions twelue pence in the pound to ten pounds, & six pence in the pound to thirty pounds, &c, it is ordred, that all marshalls & cunstables throughout this iurisdic^t shall haue for seruinge euery atachment not exceedinge one mile fiteene pence, & pportionably as the miles encrease the fees to increase as heretofore; & all marshalls & cunstables, from time to time, shall henceforth allow & pay vnto Edward Mitchelson 3^d of euery fiteene pence they receiue for seruinge of an atachment, & further shall allow & pay the sd Edward Mitchelson three pence out of euery shillinge which they or any of them

shall leuy in any pt of this jurisdiction by way of fines or executions, which this Court allows him as a meet encouragement for his service in the place of generall marshall; and further, it is ordred, that the s^d Edward Mitchelson shall haue not only the sole benefitt of the areares dew to the country from all such as haue retayled stronge waters without licence, two pence p each quart, but also shall haue the sole benefitt of the custome graunted by this Court of two pence p each quart of stronge waters retayled by any in this jurisdiction, by licence or otherwise, which if any shall refuse to satisfie, on his complaynt, & profe made by him of any stronge waters retayled without licence, the pty that hath offended shalbe lyable to pay as a fine five pounds, *one halfe whereof shall goe to the country, & the other halfe to the s^d Edward Mitchelson, & his sallery of 10^{li} p aⁿum is taken off dureing his enjoyment of the custome of strong waters as afforesd, & shall farther haue the sole benefitt of the late impost graunted on strong waters to his owne vse & benefitt. This law to be in force two yeares.

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30 August.

[*395.]

Whereas, by a late law, made October, 1648, there was some encourag- Woolues.
ment both to English & Indians for the destruction of woolues, which hath ben found pfitable vnto the country, but is now expired, it is therefore ordred by this Court, that the s^d law be agayne reuiued, & stand in force as before.

Vppon information of many inconveniencies & diffrences by meanes of Fences.
deficient fences, it is ordred by this Court, y^t the select men of all townes shall make wholsom orders for the repayinge of all fences, both generall & p^ticular, within their seuerall townshippes, exceptinge farmes of one hundred acors, & haue power to impose fines vppō all delinquent^l not exceeding twenty shillings for one offence; & if any select men shall neglect to make such orders as afforesd more then one moth after the first of the last moth next, they shall forfeit five pounds to the vse of the town, & so for euery moths defect for after time.

This Court, hauinge taken the condition of the Castle into their considera- Castle
tion, doe thinke it necessary that som thinge be done by way of repayment, comitte.
and doe therefore order, that there shall be a small ffort erected there, the charge whereof shall not exceed three hundred pounds, the one halfe of which to be payd out of the next leuie, & the other halfe out of that which will be the next yeare; & for the better carrying an end of that worke, Major Edward Gibbons, Major Rob^t Sedgwicke, Cap^t Joh Leueritt, Cap^t Humphry Ather-ton, Cap^t Thomas Clarke, Cap^t Francis Norton, & M^r John Johnson, who are hereby impowred as a committee to make composition with any workmen for the effectinge thereof accordinge to their best discretion, & what shalbe by them so done this Court will confirme & allow, p^{ro}vided they exceed not the same aboue exprest.

1653.

3) August.
Magistrates
allowance.

[*396.]

Secretaries
allowance.

Juro^{re} allow-
ance.

Charge of
deputies.

Militia
ordered.

This Court, consideringe the many complaynt℥ of the country in respect of publicke charges, which they are very sensible off, & very willinge to their vtmost to remoue, doe order & enact, & be it hereby ordred & enacted, that euery of the magistrates, who haue borne the burden of that place for the space of ten yeares past, shall henceforth be allowed, to defray their owne expences at all Gen^{ll} *Court℥, Court℥ of Assistant℥, & other meeting℥, as they are magistrates & standinge councell of this common wealth, thirty pounds a peece p añum; and all other magistrates of lesser standinge, for their expences, as aforeſd, twenty pounds a peece p añum; & such magistrates as shall hereafter be called to that service, fiftene pounds a peece p añum for all their expences, as afforeſd; & that the Goũno^r for the time being, from yeare to yeare, be allowed in like manner, for himselfe & attendant℥, on hundred & twenty pounds p añum; & that the secretary be allowed, for his paynes & expences for the Generall Court & councell, forty fve pounds p añum; & that all the charges of the seuerall County Court℥, both judges, juro's, & officers, shalbe borne by the actions arising in each county in which they are holden, & that all graund jury men be allowed, for their expences, three shilling℥ a mā p diē, & the juryes for triall of causes fower shilling℥ p actiō. And if, vpon triall hereof, it shalbe found burdensome to any county, in respect of the charges of County Court℥, vpon complaynt to this Court, it may be remedied by increase vpon actions, or otherwise; & that such townes as haue not more then thirty ffreemen shall henceforth be at libtie for sending, or not sending, deputies to the Gen^{ll} Court, & all such townes as shall send deputies vnto the Gen^{ll} Court shall beare the whole charges of their respective dep^{ties}. And it is further ordred, that the rate vpon the poll be twenty pence, & no more; & this law to take effect the 20th of this instant Sept̃, & that the Court of Electiō be kept at Boston.

Vpon obseruation of some inconueniencies in seuerall respect℥, in reference to the militia, & for the better improuement both of the horse, foote, & great artillery within this jurisdiction, it is ordered by this Court & authoritie thereof, 1. That no commission officer of a foot company shalbe a listed troop.

2. That in case of an alarme, euery troop shall fitt himselfe in all respect℥ for service, on pœnalty of fve pounds, & that the troopers in each towne shall diligently attend such expeditions as the committee for the militia in their townes shall require, vntill they shall otherwise be commaunded by som p̃sent order from their imediate cheiftay, or other superior officer.

3. That henceforth all millers, boatmē, & fishermen, vnles such as be constantly imployd in fishing, at all fishing seasons, shall attend all trayninge &

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30 August.

[*397.]

watching, as other souldiers, or make allowance to the company as their cheife officers, or the cheife officers of y^e regiment, shall appoynt. 4. That such farmes as haue 20 acors, or vppward, of land in tyllage, & 20 head of great cattle improued vppon, or belonging vnto such farme, whose mansion or dwelling howse is, or shalbe, more then four miles from the place of *exercisinge the company to which they belonge, or that haue any ferry to pass ouer, euery such farme, vppon allowance to the company, shall haue one souldier exempt from ordinary trayning℄; & such souldiers as haue a fferry to pass ouer shall not be called to their townes to military watches, but shall watch & ward as their cheife officer shall direct otherwise.

5. That all warrant℄ for impressinge of men for warr shall henceforth be directed to the committee for the militia in each towne, to execute the same by the cunstable. 6. That the committee for the militia, in Boston, shall henceforth be of the magistrates residing in the sd towne; the cheife officer of the horse, if dwelling there, & the cheife officer of each company of the ffoot within the sd towne, or the major pt of them. 7. That the foot companyes may henceforth be exercised at any time in the yeare, as their cheife officers shall direct, according to law. 8. In respect of superioritie of comāunders & company, it is ordred, that all commanders shall take place accordinge to the seniorities of companyes, as formerly, which, on long experience, hath bin found peaceful & satisfactory to the souldiers.

Whereas Major Generall Daniel Denison did, vppon intelligence of som Souldiers pay. thousand of Indians at Pascataq, & the great affright of the people in these pt℄ the last springe, order a party to make a true discouery, & to quiet the myndes of the inhabitant℄, who were much distracted, & taken of their imployment℄, it is hereby ordred, that the cunstables of Ipswitch, Rowley, & Newbery, out of which plantations all the souldiers were taken, shall, by order from the majo^r gen^l, pay to euery foot souldier, for euery dayes service, 1^s, & to the sargt that commaunded them, which were 3 or 4 men, ij^s for euery day, & to two troopers 2^s 6^d p day, which seuerall sums shalbe allowed by the Treasurer to the respectiue cunstables in their account℄. The time of service was from Fryday morninge till Munday night.

Capt Willard & Sergeant Joh Sherman, being appoynted by this Court to M^r Rices land. lay out 200 acors of land, graunted vnto Capt Jenison, vnto Edmund Rice, the purchaser, layd it out accordingly, bounded on the east neere Watertowne bounds; vppon the west partly wth M^r Dunsters farme; vppon the south it poynt℄ neere Dedham bounds; vppon the north it lyes neere the bounds of Sudbery.

This was subscribed with their hands, & approued off by the Court.

1653.

30 August.
Carwithys
agents.

[*398.]

*This Court beinge informed by Lieut W^m Davis & M^r Henry Shrimp ton, that M^r Digory Carwithen is departed this life, by reason whereof the affayres of the owners of the shipp New England Marchant, for freight, deliuey, & disposall of the sd shipp & goods, respectinge the accomplishment of his voyge, is wholly left destitute, both of a meete master & power to carry on both the accō of the sd owners & M^r Carwithyes owne affayres, & havinge pvsed the last will & testament of the sd Carwithen, findinge his care, both for the owners & his owne affayres, to be such as, by a tre of attorney & last braunch of his will, desireing that the sd Lieut Davis & M^r Shrimpton, as his agent℥ & attorneyes, should fully be impowred to sue, demaund, & recouer all debt℥, goods, freight, &c, due to him or the sd owners, the Court judgeth it meet that the sd Lieut Davis & M^r Shrimpton shall, & hereby are, impowred to act accordinge to the sd tre of attorney & last braunch of the sd will, & they are to be responsall so farr as the estate they receiue into their hands reacheth vnto, also for all debt℥ owed by the sd Carwithen, or what else may justly be challenged from the owners of the sd shipp, that so the estate of the owners & M^r Carwithen may not suffer, nor be imbezled, nor yet the estate of any other by their defect.

Beckett℥
answer.

John Beckett, Anthony Binge, & others of Cap^t Thurstons men, puttinge in a petition to this Court for their wages, are referred for redress to a County Court, or speciall Court, as they shall see cause.

Blantons
answer.

W^m Blanton, pferinge a petition for satisfaction for the dyet of two French men billeted at his howse a moneth, is allowed fīue shillings a weeke a peece, which the Treasurer is to satisfy.

Blantons case.

This Court, on a hearinge of the case betweene W^m Blanton & certayne Indians, which he acuses for breakinge vpp his chest & caringe away his money, doe not find the Indians legally guilty of what is charged on them, & doe therefore judge that the sd Blanton should pay what charge hath bin expended by the Indians in the prison.

Boswell
answer.

In answer to the petition of Isaacke Boswell, of Salisbury, for releife in respect of the title to certayne howse & lands bought of M^r Batt, this Court, findinge the petitiono^r had a legall deed of sale from M^r Batt for the sd howse & land, possession of it & payment for it, & that Cheney, nor any in whose behalfe he sued at Salisbury Court, hath any legall right to it, & therefore *judge that the sentence of the Court at Salisbury is to be of no force, & that the petitiono^r shalbe satisfied all his charges expended in the case, & remayne in peaceable possession of the pmisses.

[*399.]

Hampton
boundes.

M^r Samuuell Winsley, M^r Thō Bradbury, & M^r Robt Pyke, being chosen by the Geñ Court to lay out the west ends of Hampton boundes, vppon their

best information, haue concluded that their west lyne shall run from the extent of the lyne formerly agreed on, to come within two miles of Exeter meetinge howse, vppon a direct lyne to that pt of Alse Brooke where the high way goes ouer, & from thence vppon a direct lyne, so as to leaue Exeter Falls at y^e towne bridge, a mile & a halfe due north of the same, & from thence vppon a west & by north lyne as far as the vtmost extent of Salsbury bounds that way. Their names were subscribed.

1653.

33 August.

There beinge in the year 1643 a farme of 200 acors graunted to M^r John Allen, pastor of Dedham, at Bogerstow, vppon Charle Riuer, Cap^t Lusher & Edmund Rice being appoynted to lay it out, & they having done it accordinge to the Court^l graunt, their returne is approued of by this Court.

M^r Allens
farms.

Martin Stebbins, beinge fined five pounds for brewinge without approbation, petitioned for the remittinge of his sd fine, which pe^r was not graunted.

Stebbins fine.

This Court hauinge considered the letters & papers from the Generall Court^l of Conectecott & New Hauen, which were directed to the Gouverno^r & counsell, & by them referred to the considera^o of this Court, the content^l whereof we find to be of great concernment to the sefall Vnited Colonies, and the rather because we pceiue the opinions of the sd Court^l seeme different from o^r owne, & therfore we judge it most conducinge to peace to waue disputes concerninge the poynt in controversie, not be^c we haue not reason to iustifie the substance of o^r declaration, or to answer the reasons brought to mayntayne there assertion, which concludes not the question in diffrence, but only that which we neuer denyed, viz^t, that the commissiono^rs haue, by the words of the articles, power to determine the justice of an offensive warr; o^r assertion, which they seeme to oppose, being this, viz^t, the commissiono^rs haue not power to determine the justice of an offensive warr, so as to oblige the seuerall colonies to act accordingly, which, if it had bin observed, would haue pvented that opposition that hath bin made; for we haue no cause to doubt but the rest of the colonies, well considering the case, will readily joyne with vs in the explication of the articles; whereas it is agreed for the manning^{*} and concludinge of all affayres, &c, two commissiono^rl shalbe chosen by, & out of, each of these fower jurisdictions, &c, which shall bring full power to heare & examine, weigh & determine, all affayres of peace or warr, &c; pvided, that in the case of an offensive or vindictiue warr, taking in more confederates, makeing of leagues, & sendinge of aydes to any other then o^r confederates, the Generall Court^l of each jurisdictions be at there liberty to act according to there owne light & consci^e, notwthstanding any determinati^o of the comission^rs in the sd cases; and this reason may induce all

1 September.
Colonies answer to Connecticut.

[*400.]

Explicit.

1653. the colonys, beç the Generall Court℥ will in the 3d cases (de facto) be judges of the justice of their owne act℥, it not being to be supposed they will act in such weightie occasions without satisfaction to their consciences, & therefore, de jure, they ought to be ffree, & not to be vnder a dilemma, either to act without satisfaction ag^t their light or be accounted couenant breakers, which will hazard the breach of the confederacy, which may by this means be preserued. Sept 1st, 1653.

2 September.
Comissiono^{rs}
answer.

An answer to a writeing newly receiued frō y^e honord Generall Court of the Massachusett℥.

The commissiono^{rs} for the three smaller colonyes haue brought with them full power from their respectiue jurisdictions to heare, examine, weigh, and determine all affayres of peace & warr, leagues, aydes, &c, accordinge to the gramaticall & true sence of the articles of confederatⁿ, & hoped the commissiono^{rs} of the Massachusett℥ should haue bin invested with the same power which the former interpretatiō & the p^sent writeing receiued from this Generall Court doth seeme to cross. They know well that no authoritie or power either in parent℥, masters, magistrates, commission^{rs}℥, &c, doth or ought to hold ag^t God or his commaunds, but they conceiue that is not the questiō here, nor is any clause or cautⁱ more clearly & fully (as they app^rhend) inserted in the framinge of any common wealth jurisdiction, &c, to p^rserue peace & righteousnes, then in these articles of confederatⁿ. The commission^{rs} haue met these ten yeares, & through the p^sence & assistance of God doe not yet know of one vnjust conclusion made or passed by them, though herein they assume nothinge to themselues, who are men subject to infirmities as well as others; this, then, is not the cause of the late interpretatiō or p^sent difference; it seemes to haue some other bottome. They conceiue this Generall Court resolute from time to time to judge, not only of the justice, but of y^e conueniency, of what the commission^{rs}℥ conclude, *and that each of the fower Generall Court℥ shall doe the like, & to act no further then themselues will p^res to se light, & to receiue satisfaction to their consciences; so that, though the commission^{rs} determine vpon grounds good & saffe in themselues, yet their conclusⁿ, as most thing℥ are, shall in one Court or other be still lyable to doubt & question, which aparently tend to breake the confederatiō, for they conceiue that neither colonyes nor commission^{rs} will find incouragment to beare such charges & make such journeyes vpon such vncertayne & vnsatisfyinge termes. Sept 2^d, 1653.

3 September.
Court℥ reply.

The Court of the Massachusett℥ cannot but judge it nessessary that the

explicatiō, p̄sented in oʳ last paper, be inserted into the articles of confederatiō, as much conducing to the right vnderstanding of the confederacy, & the office & nature of commission^{rs}, who at first, & in some colonyes to this time, were chosen by the Gen^l Court℄ to be their counsell in those weighty affayres, not to be their goũnors to commaund or enjoyne them, the consequence whereof, we suppose, will in a little time be resented by others as well as oʳselues; therefore we, beinge desirous to avoyd contests or plix disputes wthe commissionors, doe desire that this may be accepted as oʳ finall conclusion for the p̄sent, viz^t, that we cannot graunt that the seuerall jurisdictions are subordinate or subject to the authoritie of the commissionoʳs, & therefore not bound in foro ciuili to execute their determinatiōs, nor act according to their judgment℄ in makinge of offensiuē warr, leagues, or ajdes, beç the power of making warr & peace cannot be taken or giuen without the destruction of the souvaigntie of a goũment, i. e., wthout making no goũment, or dissolvinge the goũment; notwithstanding, if their judgment℄ & determinations be just, & according to the word of God, we doe acknowledge the colonyes to be bound to act accordingly, not only in foro conscientie, beç the determinations aʳ just, but in foro ciuili, beç of the contract & league betweene the confederates, although not by the authoritie of the commission^{rs}. Sep^t 3^d, 1653.

1653.

3 September.

Honourd Gentlemen: The commissionoʳs of the three smaller colonyes Com^{rs} returne. did suppose the answer giuen by two of the Gen^l Court℄ had sufficiently cleared the sence of the articles & power of the commissionoʳ℄. The colonyes confederating, & the freemen chooseinge & sending them, doe impower them to conclude & determine in all affayres prop to the confederatiō; if any doubt yet remayne, we conceiue it may be further cleared by what was p̄sented by or from yoʳ selues to the commissionoʳ℄ at Plymouth, anno 1648.

About explanation & settleinge a right vnderstandinge concerninge some things in the articles. [^{}402.]

1. First, that by safty, in the second article, is only intended safty from any enemy, not from common pvidences, as famine, pestilence, &c, & the same of common welfare.

2. That the scope of the eyght article extend only to causes which concerne diuers of the colonyes, (not any one in it selfe,) or some one or more of the colonyes, & some neighbour plantations not wthin the confederatiō, & by Indians to be meant Indians, straungers, &c.

3. In cases of a ciuill nature, where the commissionoʳs may haue power to

1653.

8 September.

make orders, &c, yet not to haue power to make any gen^l officer of a ciuill nature to execute such orders, but the same to be executed by the officers of such jurisdiction as shalbe concerned therein; & if such jurisdiction or colony shall not submitt & pforme, &c, after due admonitiō, then to be responsall to the rest of the colonyes for breach of league & couenant, and to be declared what further power the commissiono^{rs} haue in such cases, &c.

The commissiono^{rs} then concurred with the Massachusett^l in these explanations, as clearly agreeing with the scope of the articles, as may appeare by the records of that session, but could not admitt of any alterations ppounded.

Whereas this hon^d Court express their confidence to be secured from any imputation of violatinge the articles before impartiall judges, they mention not who these judges are, but the commissiono^{rs} conceiue they intend o^r impartiall superio^{rs} in England, wherewith they readily close.

What addresses this Court shall please to make to the other three Gen^l Court^l, the commissiono^{rs} are assured wilbe (accordinge to righteousness) duely attended.

The diffrence you would put betweene the power of Gen^l Court^l and the commissiono^{rs}, within theire prop concernment^l, we vnderstand not, nor doe we conceiue yo^rselues were of y^t mynd in año 1648. We haue sufficiently expressed o^r apprehensions, & shall only add, that when any authority impose penalties in cases where the subject cannot, according to God, obey, guilt wilbe charged; Joab sinned in obeying in the death of Vriah, & David had also sinned, had he punished Joab for his disobedience to such a command. As no colony hath power to act for the rest, so no one colony within this covenant of confederation may, to the prejudice of the rest, reject the determinations of the commissiono^{rs} not manifestly vnjust.

That peculiar jurisdiction which the articles reserue to each colony the commissiono^{rs} neuer questioned, nor they hope shall euer haue any thought in the least to inroach vpon; but wherein that consists yo^r selues express in yo^r pposition in año 1648, before mentioned; & by a due consideration of the passages in other articles, compared *with the 11th, you may possibly receiue further light.

[*403.]

To conclude, we may safly (to say no more) ptest o^r owne readynes to pserue the articles in their full strength, & to attend o^r duty in the p^sent meetinge, obstructions cast in by this Court being duely remoued; if you, therefore, please to expresse yo^r resolution to contynue the just power of the commissiono^{rs}, accordinge to the true sence of the articles, as, till this yeare, euer intended & vnderstood, both by yo^rselues & all the other colonyes, till any other articles, explication, or pvision be agreed on by y^e foure Gen^l

Court℄, the commissiono^{rs} shall p^resently & chearfully p^reede; if not, without further loss of time, they desire to returne to their other occasions, & shall close with yo^r close, in leauing the whole cause to the wise & just Judge, who knowes both o^r seuerall ayms, & all the passages in this dispute betwixt vs. Sept 8th, 53.

1653.

8 September.

To the commissiono^{rs} of the Vnited Colonyes. Gentlemen: We se not reason to protract time in fruitless & needles returnes; we shall acquiesce in o^r last paper, & committ the success to God. Sept 9th, 1653.

9 September.

Court to
Com^{rs}.

The Court, beinge informed by one of o^r commissiono^{rs} that o^r true meaning concerning the question in debate is not rightly vnderstood by the rest of the commissiono^{rs}, wherein if they were satisfied, all obstructions of their p^resent acting℄, according to their commissions, would be remoued, doth declare that we judge & graunt that, by the articles of confederation, so farr as the determinations of the commissiono^{rs} are just & accordinge to God, the seuerall colonyes are bound, before God & men, to act accordingly, & that they sin & breake couenant if they doe not; but otherwise we judge we are not bound, neither before God nor men. Sept 10th, 1653.

10 September.

The which this answer was returned: —

The commissiono^{rs} for the three colonyes judged of the meaning of the Massachusetts℄ Gen^l Court by their expressions in former writing℄, and accordingly returned answers, to which they still referr; what that Court doth this day declare the commissiono^{rs}℄ so farr accept that they purpose presently to p^reede, referring all further questions to the adresses the Massachusetts℄ shall please to make to the other Gen^l Court℄. Sept 10th.

At the request of the military company of the towne of Roxbury, this Court doth confirme Ensigne Johnson to be their captayne, Sergeant Craft℄ for their leiu^t, & Sergeant Boles for their ensigne.

Majo^r Gen^l Denison is chosen to supply the place of the secretary in the absence of the secretary.

Seuerall of the inhabitant℄ of Roxbury, desiringe an oppertunity to p^resent their reasons of *o^f non satisfaction in the choyce of Captayn Johnson, had their request graunted; but the Court, notwthstanding what was then aleaged, saw no reason to alter or recede from their former vote of confirmation of Cap^t Johnsō.

[*404.]

In answer to the p^et of Peter Bent, for repaya^r℄ of his dammag sustayned in his horses goeing on the cuntryes service to Conectecott, the Court vnderstanding the petitiono^{rs} horse was the worse for the journey, at least six pounds in the value of it, besids his charg for the cure & the hire of it, they order that he shall be allowed ten pounds out of the country leuie, if

1653. he accept thereof, or otherwise he may haue libtie to sue the Treasurer, & recouer what dammage he can justly proue.

10 September.

The commissiono^{rs} answer to a second writinge, reč from o^r Gen^l Court, the 6th of Sep^r, 1653.

The foure colonyes, vniteing, did, by expresse words, & accordinge to the true sence of the articles, enter into a ppetuall league & couenant, for themselves & posteritie, y^t their eyght commissiono^{rs}, or any six of them, should haue full power to heare, examine, weigh, & determine all affayrs of warr & peace, leagues, aydes, &c, prop to the confœderatiō, wherein no one colony or Gen^l Court alone can haue power to act for the rest, though the commissiono^{rs} still readily acknowledge that all counsell, lawes, & conclusions, whether of magist^rℓ, Gen^l Courtℓ, or commissiono^{rs}, so far as they are manifestly vnjust, are, & ought to be, accounted of no force: let God be exalted, & all sortℓ of men set, where they should be, at his feet; but the power of determininge cannot be taken from the commissiono^rℓ without violation of the couenantℓ; they haue no power to make new articles, nor may act as commissiono^{rs} if the forme be broken; they shall acquaynt theire respectiue Gen^l Courtℓ with the finall conclusion of this colony, dated & reč this p^rsent day, & leaue it to theire consideration, propoundinge it to you whether it will not be a great sin ag^t God, & very scandalous before men, that a confœderatⁿ fīue years vnder deliberation, in New England, & since contynued ten yeares, wthout inconvenience, nay, wth a blessinge, — a confœderation wherein euery article was considered & weighed, not only by a committee from each of the foure jurisdictions, but by the whole Gen^l Court of the Massachusettℓ then sitting; a confœderation for which prayer was put vp publickly while it was vnder treaty, & publicke thanks returned when it was finished, — should by this Court be first disturbed, by a strayned interpretation, as if the articles gaue no power to the commissiono^{rs} to act in an offensive warr, & after, when that was cleared & yeilded, to deprivue them of all power in offensive warr, leagues, aydes, &c, they must meett only to giue advice, *which any of the seuerall jurisdictions might take or leaue as themselves se cause, & so make all voyde, & that beç the majestie or honour of gouernment cannot be preserved if the power of making warr & settling peace be in the hands of commissiono^{rs} chosen generally out of & by the ffreemen of the fower colonyes, which, by the confœderation, are made & ordred to contynue one, & to be & to be called by the name of the Vnited Colonyes of New England, whereby the couenant & league so solemnly, & seriously, & religiously made must necessarily breake & be disabled; but whether this violation pceede from some vnwarrant^d scruple of conscience, or

[*405.]

from some other ingagment of spirrite, the Massachusetts neither express, nor will the commissiōer determine, but leaue it to the wise & righteous God, who is the only Lord of the consciences of men. Sept 6, 1653.

1653.
10 September.

To a question pposed by the execut^{rs} of the last will & testament of Thomas Dudley, late of Roxbury, Esq^r, whether his estate should be lyable to the country leuie now to be gathered, the Court resolues in the negatiue.

Mr Christopher Batt being playn^t in an action of the case ag^t the towne of Salisbury, about the deuisiō of meddow, in which, at a County Court at Salisbury, he sued for a proportion, & being cast in the actiō, appeales to the Court of Assistant^s, where the jury found for the playn^t; but the Court not consenting to re^ce the verdict, it came to the Gen^l Court of course. The Court, on a full hearing of the case, & all the evidences therein, found for the towne of Salisbury.

In answer to the petition of Mary Carter & her sons, Samuell & Joseph Carter, for advice concerninge the disposinge of certayne legacies giuen by Thomas Carter to his grand children, the Court thinkes the way pposed in the petition is best for the good of the grandchildren, & therefore are willinge that ten pounds be deliuered to each of the parent^s of the legatees, with the pportion of the price of the acor of land is sold for, they giueinge securitie to the execut^{rs} to pay the widdow for her life what shalbe equall, & to the child of each of them, accordinge to the will.

This Court doth appoynt Mr Samuell Andrew & Jonā Clarke, of Cambridge, with all convenient speed, to find out the place vpon the sea coast where the vtmost bound of o^r patent is, & to erect some marke or heape of stones at the place, & run the lyne, & marke trees forty pole into the woodes east & west, paralell to the latitude heretofore taken within the land, viz^t, 43 deg^{rs}, 43 minut^s, & 12 seconds * of north latitude, & to make returne vpon oath before the Deputy Gouerno^r, or any other magistrate, which is to be entred by the secretary; & for their paynes & skill in this worke the Court doth appoynt Cap^t Gookin to make agreement with them, which agreement the Treasurer is hereby appoynted to pay accordingly, & the former order about Mr Ince & Serg^t Sherman is hereby repealed.

[*406.]

It is ordered by this Court, that the Treasurer shall pay vnto the p^sent secretary six pound, for powder sold vnto the cap^t of the Castell, expended at Mr Dudleyes funerall, & that, accordinge to a former agreement with him, both for price & pay, this to be payd out of this country rate now in beinge, & the cap^t of the Castle is to take vp his bond.

It is ordred by this Court, that Goodman Heydon, of Brantre, shall haue Heyden's son.

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10 September.

five pounds payd him this yeare by the Treasurer, towards the keeping of his distracted son, as in times past.

In answer to the request of Cap^t Wiggan & M^r Bradstreet, Elder Nutter & M^r Samuel Winsley are appoynted to lay out the land formerly graunted them vpon Quanhiggin Riuer, accordinge to the graunt.

Andover &
Reading high-
way.

Cap^t Richard Walker, Thomas Marshall, & Nicholas Holt, being appoynted by the Court to lay out the country high way from Andevour to Reddinge, haue thus agreed to follow the cart way from Andevour to Goodman Holt^e farme, leaueing his howse about a quarter of a mile on the left hand, & so in a straye south, or neere a south lyne, to the falls of Ipswich Riuer, accordinge to the marked trees, & so from a riuer vpon the like strayght lyne, to the head of a meddow called the Great Meaddow, to the saw-mill in Readinge, & from thence through the common corne feilds to the meetinge howse, leaueing the lott of Josias Dordin on the right hand, & Zachariah Fitt^e his lott on the left hand; & we agree that the sd highway shalbe fower rode wide at the least, in all places except through the common feilds at Readinge, & there not to be less then two rods wide.

In answer to the request of M^r Bradstreet, Majo^r Generall Denison, & the 'executo^rs, in the behalfe of others of M^r Dudleys children & grandchildren, power is hereby giuen & graunted to the parent^e & guardians of the sd children, to lett, sell, or dispose of Watertowne mill for the vse of the heires, & with their consent.

[*407.]

Immanuel
Downing
600 acres.

*In answer to the petition of M^r Emanuell Downinge, itt is ordred, that M^r Samuel Winsley, M^r Thomas Bradbury, Th^o Coleman, & W^m Estow, or any two of them, M^r Winsley beinge one, shall & hereby are appoynted to lay out the farme of six hundred acors formerly graunted him in satisfaction of fifty poundes layd out by him for the country, to be layd out on the further side of the riuer, neere to Dover bounds, beinge cleare of all graunt^e.

Redding &
Winnesmett
road laid out.

Thomas Marshall, John Smyth, & John Sprague, beinge chosen to lay out the country high way betweene Reddinge & Winnesemett, do lay it out as followes: from Reddinge towne, through Maldon bounds, betwixt the pond & John Smyths land, & so by the east side of M^r Joseph Hills land, to New Hockley Hole, & so in the old way by the Cow Pen, & thence along on the east side of Thomas Coytmores lott, by Ele Pond, in the old way, to Thomas Lynds land, then through the first feild, & so by the feild by his howse, from thence, on the old way, by Maldon meeting howse, through the stony swampe, from the road there vpp betwixt Richard Addams & John Vphams lott^e, into Charlistowne bounds, through W^m Johnsons & Richard Dexters land into y^e way by the South Springe, & so on the south side of Th^o

Whitamores howse into M^r Bellinghams land, into the way that goeth to the fferry; the 3d way to be fower pole broad, in good ground, & six or eight where need requires.

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10 September.

In answer to a petition pferred by the new church, of Boston, to take of an injuntion, which they say is layd on them, not to call & ordayne M^r Powell to office, the Magistrates denyinge any order to be made by them absolutely to forbid the new church in Boston to call M^r Powell to office, but only to the office of pastor or teacher, for either of which two sayd offices the Court cannot but judge M^r Powell to be vnftt, nor can they consent thereto, because they cannot be satisfied that M^r Powell ^h such abillities, learning, & qualifications as are requisite & necessary for an able ministry of the gosple, whereby he might be able rightly to deuide the word of truth, & be able to convince gayne sayers; besides the vnsutablenes of these times complyinge with such vnsound tenent^l as now abound, for the subversion of an able ministry. The Court conceiues the chh may call M^r Powell to the office of a ruleinge elder, & then they may enjoy all the ordinances of Christ amongst them, saue the sacrament^l, which they are suplyed wth in Boston; & their wayting till the Lord shall send vnto them an able minister of the gosple, they hope, will not be in vayne, but may be conduceinge to the peace & comfort of themselues, & to the towne & country also, who is much concerned herein.

New chh
answ. in
Boston.

*The Court, being informed that the p^sent condition of the colledge at Cambridge calls for supply, doe order, that Cambridge rate for this yeare, now to be collected, be payd in to the steward of the colledge, for the discharge of any debt due from the country to the 3d colledge, & if there be any o^uplus, to be & remayne as the colledge stocke; and further, for the clearing & settlinge all matters in the colledge in refference to the yearly mayntenaynce of the p^sident, fellowes, & necessary officers thereof, & repaying the houses, that so yearly complaynts may be pvented, & a certayne way settled for the due incurragment of all psons concerned in that worke. And the Court doth hereby appoynt M^r Increase Nowell, Cap^t Daniel Gookin, Cap^t Joh Leverett, Cap^t Edward Johnson, & M^r Edward Jackson, or any three of them, & M^r Nowell to giue notice of the time & place of meetinge, who are to be a committee to examine the state of the colledge in all respect^l as hereafter is exprest:—

[*408.]

14 September.
College com-
mittce.

1. First, to take acc^o of all the incomes of the colledge, & profit^l arisinge due to the officers thereof, either by gift^l, reuenues, studdy, rent^l, tuitions, commencement^l, or any other profit^l arisinge due from time to time, as neere as may be, from the time since first the p^sident vndertooke the worke.

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2. 2^y, to examine what hath bin p^d & disbursed, either for buildinge, repayinge, or any otherwise p^d & receiued aⁿually for mayntenance of the p^sident, fellowes, & other officers thereof.

3. Thirdly, to consider what hath bin yearly re^cd by the p^sident out of any of the incoms & p^rfit^t affore^sd, for his owne vse & mayntenance, as neere as may be, euer since he came to the place of p^ræsident; also what allowance hath bin made yearly to the ffellowes & other officer^t.

4. To waygh & consider what may be fitt for an hono^rable & comfortable allowance, aⁿually, for the p^sident, heretofore & for the future, & how it may be payd hereafter.

5. Fifthly, to consider what number of ffellowes may be necessary for caring on the worke in the s^d colledge, & what yearly allowance they shall haue, & how to be payd.

6^y. To direct some way how the necessary officers, as steward, buttler, & cooke, may be p^rvided for, that so the schollers commons may not be so short as now they are occasioned thereby.

7. To take cognizance of all & euery matter or thinge concerninge the s^d colledge, in reference to the welfare thereof in outward thinges, & to p^rsent a way how to regula^t & certify any thing y^t is out of order.

[*409.]

*8. Eyghtly, to examine what somes haue bin, & of late are, p^rmisid by seuerall townes & p^rsons for the vse of the colledge, & to giue order for the collection thereof, & propose a way how such monyes may be improued for the best benefitt of that societie for the future. And this committee are hereby authorised with full power to act in all the p^ræmises, and to make [^] of what they shall so doe to the next Court of Electi^o, that so it may be confirmed if they shall judge meete. Sept^r (14), 1653.

Commissioners
return.

The returne of the commissiono^rs from the eastward, who, vpon the commission graunted by the Gen^l Court, bearinge date the 7th of June, 1653, viz^t, Richard Bellingh^a, Esq^r, Cap^t Thomas Wiggⁿ, Daniel Denison, serg^t mayo^r gen^l, Edward Rawson, secritary, & M^r Briant Pendelton, in order to their commission, repayed to Wells, su^mond Saco & Cape Porpus to appeare before them the 4th of July, 1653.

The commissiono^rs aboue mentioned, by vertue of theire co^mission, held & kept a Court theire, & caused the inhabitant^t of Wells, by name p^rticularly, to be called according to their su^mons, & those whose names are herevnder w^riten made their appearances & acknowledged themselues subject to the go^um^t of the Massachuset^t, as wittnessed their hands, Joseph Emerson, Eze-kiell Knight, Joh Gooch, Joseph Boles, Jonathan Thinge, Joh Barrett, Seni^o, who, after their subjection, were made freemen, & tooke the oath, after which

Jonathā Thing was made cunstable there for one whole yeā, and tooke his oath.

1653.

14 September.

While the inhabitantℓ of Wels were callinge oū, one W^m Wardall, passing by & vttering contemptuous speechℓ ag^t the Court, was apprehended & securd, to answer his offence the next day.

At which time the Court mett, & the inhabitantℓ of Wells, being called, appeared, & did subject themselū as followeth:—

We, whose names are herevnder writtē, inhabitantℓ of Wells, doe hereby freely acknowledge o^rselū subject to the goūm^t of the Massachusettℓ, as wittnes o^r hands: Henry Boad, John Wadely, Edmund Little feild, John Saunders, Joh White, Joh Bush, Robt Wadley, Frauncis Little feild, Señ, W^m Wardall, Samūll Austin, W^m Hamans, Joh Wakefeild, Thō Mills, Anthō Little feild, Joh Barrett, Juñ, Thō Little feild, Francis Littlefeild, Juñ, Nicholas Cole, W^m Cole: the Court, at y^e request of the inhabitantℓ, accepted of W^m Wardall; all which were made freemen, & tooke the oath; & further, whereas the towne of Wells hath acknowledged themselū subject to the goūm^t of the Massachusettℓ Bay in New Eng^t, as by their subscriptions may appeare, we, the cofi of the Gen^{ll} Court of the Massachusettℓ for the settling *of gouernment amongst them & the rest w^{thin} the bounds of their charter northerly to the full & just extent of their line, haue thought meete & doe actually graunt—

[*480.]

That Wells shalbe a townshipp of it selfe, & alwayes shalbe a p^t of Yorkshire, & shall enjoy p^tection, æquall actℓ of favour, & justice, with the rest of the people inhabitinge on the south side of the Riu^{er} of Piscataq, within the limitℓ of o^r jurisdiction, & enjoy the priuiledges of a towne, as others of the jurisdiction haue & doe enjoy, with all other libties & priuiledges to other inhabitantℓ in o^r jurisdiction.

2. That euery inhabitant shall haue & enjoy all their just proprieties, titles, & intrestℓ in the howses & land they doe possess, whether by graunt of the towne, possession, or of the former Generall Courtℓ. 3. That all the present inhabitantℓ of Wells shalbe ffreemen of the county, & having taken the oath of ffreemen, shall haue libtie to giue their votes for Go^vn^r, Assistantℓ, & other generall officers of the country.

4. That the s^d towne of Wells shall haue three men, approued by the County Court from yeare to yeare, to end small causes, as other of the townshippis in the jurisdiction hath, where no magistrate is, according to law; & for this present yeare M^r Henry Boade, M^r Thomas Whelwright, & M^r Ezekiell Knight are appoynted & authorized comissiono^{rs} to end all small causes vnder forty shillingℓ, according to law; & ffurther, these commis-

1653.

14 September.

sioners, or any two of them, are & shalbe empowred & invested wth full power & authoritie as a magistrate to keepe the peace, & in all ciuill cases to graunt atatchment^l & executions, if neede require. Any of the sd comissioners haue power to examine offendo^{rs}, to committ to prison, vnles bayle be giuen, according to law, & when these or any of these shall judge needful, they shall haue power to bind offendo^{rs} to the peace or good behavio^r; also, any of these haue power to administer oathes according to law; also, mariage shalbe solemnized by any of these according to law.

It is further hereby ordred & graunted, that for this p^sent yeare M^r Henry Boade, M^r Thomas Whelwright, M^r Ezekeiell Knight, John Wadley, & John Gooch shall be the select men to order the prudentiall affayres of the towne of Wells.

The fore^sd comissioners tooke theire respectiue oathes as comissioners as associates vse to doe.

Lastly, it is graunted, that the inhabitant^l of Wells shalbe, from time to time, exempted from all publicke rates, & that they shall alwayes beare their owne charges of the Court^l, &c, arising from amongst themselues. M^r Joseph Bolls was appoynted clerke of the writt^l.

[*411.]

*M^r Ezekeiell Knight is appoynted to be a ground jury man for the towne of Wells for one yeare, & tooke his oath.

The case betweene Morgan Howell & Joh Baker is continued, & referred to be determined by the next County Court in Yorkeshire, & the sd Joh Baker did acknowledge himselfe bound in twenty pounds to M^r Richard Russell, Treasur^r of the Massachusett^l jurisdiction, on this condition, that he shall appeare before the next County Court in Yorkshire, to answer the sd action or complaynt of Morgan Howell.

July 6: 53.
John Baker
censured.

Seuerall articles were exhibited agaynst John Baker, for abusive & opprobrious speeches vttered by him ag^t the minister & ministry, & for vp-holding private meeting^l, & pphesying, to the hindrance & disturbance of publicke assembling, &c: some of them beinge proued ag^t him, he tendred voluntarily to desist from prophesying publicly any more: the Court proceeded to censure him to be bound to his good behaviour, & forbade him any more publickly to preach within this jurisdiction any more.

Joh Baker did acknowledge himselfe bound in twenty pounds to M^r Richard Russell, Treasurer of the Massathusets, on this condition, that he will be of good behavio^r betweene this & the next County Court, & make his appearance at the sd Court if he be wthin the jurisdiction.

Wee, the comissioners of the Massachusett^l for settling of gouernment at Wells, Cape Porpos, & Saco, being informed of seuerall diffrences amongst

the inhabitant℥ of Wells, which were principally occasioned, as was p̄fessed in the Court, by those which called themselves the church there, which differences we were very desirous to compose, & therefore were willing to be informed of the p̄ceeding of those p̄sons, & the successe of their church estate, there being but three p̄sons left; & by Wardalls, with the others confession, both M^r Perrott & Wardell were dismiss from their church relation at their own request. After we had heard what both p̄tys could say, with the relation of M^r Boade, Edmund Littlefeild, & W^m Wardall, we were fully satisfied that their church relation was dissolved; wherevpon we advised them to desist from further disturbance of the place, by asserting their pretended church relatiō, & to apply themselves, for the future, to some other course, which might conduce more to the peace & settlement of the place, w^{ch} if they shall neglect to doe, & shall contynue their vngrounded assertion of their church relation, we p̄fesse o^rselues bound to bear wittnes ag^t them, for endangering the *disturbance of the peace & welfare of those people vnto whom we haue cause to hope, through the blessing of God, our endeouours for their good will not proue succesles, & therefore doe earnestly desire they may not be rendred fruitles by those especially p̄fesse them selues before others to be the children of peace.

1653.

14 September.

[*412.]

The Court also proceeded to make this protestation, w^{ch} was by the marshall publicly published.

Whereas we haue declared the right of the Massachuset℥ gouernment to the townes of Wells, Cape Porpus, & Saco, & the inhabitant℥ thereof, being sumōnd, did appeare before vs, at Wells, on this 5th day of July, 1653, & acknowledged y^mselues subject therevnto, & tooke the oath of ffreemen & fidelitie to the s^d gouernment, which, b^y vs, their commission^{rs}, haue appoynted & settled a gouernment o^f them; we doe therefore hereby protest ag^t all p̄sons w^hsoever y^t shall challenge jurisdiction, or exercise any act℥ of authoritie ouer them, or ouer any other p̄sons to the northward, inhabiting within the limitt℥ of o^r p̄sons, which doth extend to the latitude of forty three degrees, forty three minutes, & 11 2^{ds} of northerly latitude, but what shalbe deriued from vs, the comissiono^{rs}, or the Generall Court of the Massachuset℥. Giuen vnder o^r hands, at Wells, in the county of Yorke, the 6th of July, & signed by the comission^{rs}.

It was ordred also, that the select men of the towne of Wells shall, & hereby are, impowred to appoynt a meet p̄son to keepe an ordinary there, for entertaynm^t of straungers.

1653.

14 September.

Joh Saunders & Jonathan Thinge are appoynted as sergeant℥ to exercise the company there.

Att a Court, held at Wells, by the aboue mentiond commission^{rs}, the 5th of July, 1653.

The inhabitant℥ of Saco, beinge by name p̄ticularly called, made theire appearances, accordinge to their sumions, & those whose names are herevnder-written acknowledged themselues subject to the gouernment of the Massachusetts℥, as wittnes their hands, the 5th of July, 1653: Thomas Williams, Richard Hitchcocke, Robt Booth, Joh West, W^m Seadlocke, James Gibbons, Rich Cowman, Peter Hill, Christopher Hobbs, Thō Rogers, Ralph Tristram, Henry Waddock, Thō Reading, Phillip Hinckson, George Barlow, Thomas Hale.

The commission^{rs} judged it meete to graunt them to be ffreemen, & accordingly gaue them the ffreemens oath, which they tooke in open Court.

[*413.] Whereas the towne of Saco hath acknowledged y^mselues subject to the goũm^t of the Massachusetts℥ *Bay, in New England, as by their subscriptions may appeare, we, the commission^{rs} of the Gen^l Court of the Massachusetts℥, for the settleing of gouernment amongst them, & the rest within the bounds of their charter northerly, to the full & just extent of their line, haue thought well & doe actually graunt, —

1. That Saco shalbe a townshipp by it selfe, & alwayes shall be a p̄t of Yorkshire, & shall enjoy p̄tection, æquall act℥ of fauour & justice with the rest of the people inhabiting on the south side of the Riuer of Piscataq, or any other within the limitt℥ of o^r jurisdiction, & enjoy the p̄uileges of a towne as others of the jurisdiction haue & doe enjoy, wth all other libties & priuiledges to other inhabitant℥ in o^r jurisdiction. 2. 2^{dy}. That euery inhabitant shall haue & enjoy all their just proprieties, titles, & intrest℥ in the howses & lands which they doe posses, whether by graunt from the towne, possession, or of the former Gen^l Court℥. 3. 3^{dy}. That all the p̄sent inhabitant℥ of Saco shalbe ffreemen of the country, & hauing taken the oath of ffreemen, shall haue libtie to giue their votes for the election of Gofino^r, Assistant℥, & other generall officers of the country.

4. That the sd towne shall haue three men approued of by the County Court, from yeare to yeare, to end small causes, as other the townshippis in the jurisdiction hath, where no magistrate is, according to law, & for this p̄sent yeare Mr Thomas Williams, Robt Booth, & John West are appoynted & authorized cōmissiono^{rs} to end small causes vnder forty shilling℥, according to law; & further, these cōmissiono^{rs}, or any two of y^m, are & shalbe im-

powered & invested wth full power & authoritie as a magistrate to keepe the peace, & in all ciuill cases to graunt atatchment℥ & execution℥. If neede require, any of the sd commission^{rs} haue power to examine offendo^{rs}, to commit to prison, vnles bayle be giuen, accordinge to law; & when these or any of these shall judge needfull, they shall haue power to bind offenders to the peace, or good behavio^r; also, any of those commission^{rs} haue power to administer oathes, according to law; also, mariage shalbe solemnized by any of them, according to law.

1653.

14 September.

It is further ordred, for this p^{re}sent yeare, that the fore^{re}sd commission^{rs} shalbe the select men to order the prudentiall affayres of the towne of Saco for this p^{re}sent yeare; & they tooke their respectiue oath℥, as commission^{rs} or associates vsed to doe.

*Lastly. It is graunted, that the inhabitants of Saco shalbe, from time to time, exempted from all publicke rates, & that they shall alwayes beare theire owne charges of the Courts, &c, arising from among themselues.

[*414.]

Ralph Tristram was appoynted constable there, & tooke his oath.

W^m Scadlocke was appoynted a ground jury man for this yeare, & tooke his oath; also, he was appoynted clearke of the writt℥.

Richard Hitchcocke was appoynted and authorized as a sargent to exercise the souldiers at Saco.

The comission^{rs} being informed y^t John Smyth, of Saco, is necessarily detayned from coming to yeeld his subjection to this gouernment, & that it is his desire to subject himselfe, they do graunt, y^t on his acknowledgment of his subjection, any two of the commission^{rs}, at Saco, may, & hereby haue, libertie to giue the oath of a freemā.

The like liberty, on the like termes, is graunted to the commission^{rs} at Wells to administer the like oath to Richard Ball, Rich Moore, John Elson, Arthur Wormstall, & Edward Clarke.

The commission^{rs}, being informed that Saco is destitute of a good minister, which is much desired, that all due care be taken to atayne the same, &, in the meane time, y^t pea^c may be preserued, they doe declare & order, that Robt Booth shall haue liberty to exercise his gifts for the edifi^catiō of the people there.

Seuerall of the inhabitant℥ complainyng y^t Georg Barlow is a disturbance to the place, the commission^{rs} thought meete to forbid the sd Georg Barlow any more publickly to preach or prophesie, vnder the pœnalty of ten pounds for euery offence.

It is ordred, that the inhabitant℥ of Wells, Saco, & Cape Porpus shall make sufficient high wayes wthin their town℥, from howse to howse, cleere, &

1653. fitt for foot & cart, before the next Court of y^t county, vnder the pœnalty of
 ten pounds for euery townes defect in this p̄ticular; & y^t they lay out a
 14 September. suffeyient high way for horse & foot betweene towne & towne wthin that
 time.

Att a Court, held ā Wells, the 5th of July, 1653, by the aboue men-
 tioned cōmission^{rs}, the inhabitantℓ of Cape Porpus were called, & made their
 appearances, according to their summons, & acknowledge themselves to the
 goūment of y^e Massachusettℓ, as followes:—

We, whose names are vnder written, doe acknowledge o^rselues sub-
 ject to the gouernment of the Massachusettℓ, as wittnes o^r hands: Morgan
 Howell, Griffin Montague, Steuen Batson, Joh Cole, Christopher Sparrill,
 [*415.] *John Baker, Gregory Jeoffries, Symon Trott, Thomas Warner, W^m Reynolls,
 Peter Turbat, Ambrose Bury.

To these aboue mentioned also the commission^{rs} graunted they should
 be ffreemen, &, in open Court, gaue them y^e ffreemans oath. And, ffurther,
 whereas the towne of Cape Porpus hath acknowledged themselves subject
 to the gouernment of the Massachusettℓ Bay, in New England, as by their
 subscriptions may appear, we, the cōmission^{rs} of the Generall Court of the
 Massachusettℓ, for the settleing of goūm^t amongst them, & the rest wthin the
 bounds of their charter northerly, to the full & just extent of their line, haue
 thought meete, & doe actually graunt, that Cape Porpus shalbe a townshipp
 by it selfe, & alwayes shalbe a p̄t of Yorkeshire, & shall enjoy æquall p̄tection,
 actℓ of ffaour, & justice with the rest of the people inhabiting on y^e south
 side of the Riuer Pascataq, or any others wthin y^e limittℓ of o^r jurisdiction, &
 enjoy the priuiledges of a towne, as others of the jurisdiction haue & doe
 enjoy, wth all other liberties & priuiledges graunted to other inhabitantℓ in o^r
 jurisdiction.

2. That euery inhabitant shall haue & enjoy all their just proprieties,
 titles, & intrests in the howses & lands w^{ch} they doe possess, whether by
 graunt of the towne, possessiō, or of the former Generall Courtℓ.

3. That all the inhabitantℓ of Cape Porpus shalbe freemen of the coun-
 try, & hauing taken the oath of ffreemen, shall haue libtie to giue their votes
 for the election of Gouverno^{rs}, Assistantℓ, & other generall officers of y^e
 country.

Morgan Howell, of Cape Porpus, did acknowledge himself bound in fifty
 pounds to the Treasurer of the country, on this condition, that he will prose-
 cute his action ag^t Joh Baker at the next County Court, to be held at York.

Gregory Jeoffries was chosen ground jury man there for one yeare, &
 tooke his oath accordingly.

W^m Reynolds is allowed to keep a ferry at Kennybunck, & to have 1653.
threepence a passenger.

Griffin Montague was chosen & sworn constable there.

14 September.

Cap^t Nicholas Shapleigh was chosen Treasurer for the county of York, & is allowed.

Signed by Richard Belingham, Dep^t Gov^r, Daniel Denison, Edward Rayson.

The Generall Court, having viewed this returne of the commission^{rs} that went to Wells, Saco, & Cape Porpus, doe approue thereof, & order, that due & hartly thanks be rendred them by this Court for their paynes & service therein, & shalbe willing & ready *to make them further satisfaction, in the [*416^a.]
graunt of some lands to each of them respectiue, when any shalbe p^sented.

The Generall Court, after their returne, & on the pvseall hereof, did order, that in case of any warr, they of the county of Yorke should beare their proportion of charge aequall to & with ourselues.

Graunted to M^r Bradstreet & M^r Symonds 500 acors of land a peece, to M^r Bradst:
be layd to them when they shall p^sent a place, according to law, in reference graunt.
to service done at Yorke & Kettery.

**Att a Generall Court of Election, held at Boston, the 3^d of the 3^d Moth, 1654.* 1654.

3 May.

[*416^b.]

Chosen : —

Richard Bellingham, Esq^r, Gov^r.

John Endecott, Esq^r, Dep^t Gov^r.

Assistant^l : Increase Nowell, Gen^t,
Symon Bradstreet, Gen^t,
Samuel Symonds, Gen^t,
William Hibbens, Gen^t,
Cap^t Rob^t Bridges, Gen^t,
Cap^t Thomas Wiggan, Gen^t,
Cap^t Daniel Gookin, Gen^t,
Majo^r Daniel Denison, Gen^t,
Majo^r Symon Willard, Gen^t,
Cap^t Humphrey Atherton, Gen^t.

Symon Bradstreet, Gen^t, }
Cap^t W^m Hawthorne, } Commission^{rs}.

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M^r Richard Russell, Treasurer.M^r Edward Rawson, Secretary.Edward Gibbons, Esq^r, Major Gen^l.The names of the Dep^t: —

Salem : Cap^t W^m Hathorne, M^r W^m Browne.
 Charlestowne : M^r Richard Russell, Cap^t Frā Norton.
 Dorchester : Lieut Roger Clapp, M^r John Wiswell.
 Boston : Cap^t Thō Sauage, Cap^t Thō Clarke.
 Roxbury : M^r W^m Parkes, M^r Phillip Elliott.
 Waterto^w : M^r Rich Browne, M^r Ephraim Child.
 Lyn : James Axey.
 Cambridge : M^r Edward Collens, M^r Edward Jackson.
 Ipswich : M^r George Gittens, M^r Joseph Metcalfe.
 Newbery : M^r Joh Saunders.
 Weymouth : Thomas Dyer.
 Hinghā : Cap^t Joshua Hubbard, Ensigne Je^r Howchen.
 Concord : Thomas Brookes.
 Dedham : Cap^t Eliazur Lusher.
 Salisbury : M^r Thomas Masey.
 Hampton : M^r Anthony Stanion.
 Rowley : M^r Joseph Jewett, Maximilian Jewett.
 Sudbury : M^r Edmund Rice.
 Brauntry : Samuel Bass.
 Douer : Cap^t Richard Walden.
 Portsmouth : Cap^t Briant Pendleton, M^r Valentine Hill.
 Wooburne : Cap^t Edward Johnson.
 Wenham : M^r Charles Gott.
 Hauerill : M^r John Clement^l.
 Maldon : M^r Joseph Hills.
 Kettery : Lieut John Wincoll.
 Yorke : M^r Edward Ryshworth.
 Wells : M^r Hugh Gunison.

M^R RICHARD RUSSELL was chosen Speaker for the Howse of Deputyes for this p^sent session.

W^m Torrey was chosen Clarke to the Howse of Deputyes for this yeare ensuinge, for which he is to haue the sum of sixteene pounds p^a añum, to be payd him yearly by the Treasurer.

[*417.]

County
charges &
p^sitt^l.
& treasurers.

*For the better settlinge of all county charges & p^sitt^l, that all complaynt^l in that kind may be remoued, it is ordred by this Court & the authoritie thereof, 1. First, that the recorder or clarke of any County Court within this jurisdiction shall enter in a booke of acc^{ts} for that county all the dues arising

within the cognizance of that County Court, by entring of actions, fines, or otherwise, & also a true acc^o of all the expenc^e of the Court, & the fees of the officers.

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2. That all magistrates & commission^{rs} that haue power to impose fines within the limitt^e of their respectiue countyes & townes shall giue warrent vnto the marshall of that county, or cunstable of that towne, where such magistrate, or com^{is}sion^r, or delinquent shall reside, to leuie such fines as shalbe so imposed, who shall also faythfully pay in the same to that county Treasurer, & likewise that such magistrate & com^{is}sion^{er} shall also giue in a true transcript of all such fines as they shall, accordinge to the power committed to them, im^{po}se vpon, to the clarke of such County Court from time to time, that so there may be a true acc^o kept of all the p^{ro}fit^t & expences arising wthin the county.

3. That the freemen of each county shall chuse a Treasurer for that county.

4. That the clarke of euery County Court, within floorteene days after euery Court, shall deliuer to the Treasurer of the county a true transcript, out of his booke, of all fines & dues payable to the county.

5. That all the charges of County Court^e & shire com^{is}sion^{rs}, wth all other peculiar county charges, (except the twenty pounds due to the majo^r of the county, for the yeare of his publicke exercise, which is already p^{ro}vided for,) shalbe p^{ro}vided by the county Treasurer. 6. 6th. That the county Treasurer shall once e^ury yeare p^{re}sent his acc^o to the County Court, & if there be not enough in his hand to satisfy the charges affore^{sa}id peculiar to the county, the County Court shall giue him a warrent for the levying the areares of the county vpon the whole county, by a county rate to be leuied vpon each towne & p^{er}son, except such as are rate free, in p^{ro}portion wth the country rate next before goeing, & to be gathered by the cunstable of each towne, who is hereby enjoyned to attend the same.

7. That all fines & dues any otherwise arisinge within the cognizaⁿ of the General Court or Court^e of Assistant^e, the secritary or clarke of the Court shall in like manner returne a true transcript thereof to the auditor gen^l, to be paid into the country Treasurer.

8. That the country Treasurer shall satisfy all the charges arising within the cognizance of the Gen^l Court & Court^e of ^{the} that is not yet determined by any former law.

9. That euery Treasurer, whether for the country or county, *within one weeke after a receipt of a transcript of any fine or penalty payable to his office, shall direct his warrent to the marshall of that county, or any cunstable, for the levyinge thereof. [*418.]

10. That no officer, whether secritary, treasurer, recorder, marshall, or

1654.

3 May.

constable, neglect his duty hereby enjoyned, vppon pœnalty of makeinge good of all the damage that shall come thereby.

11. That the country Treasurer & each county Treasurer, for his paynes & service in collecting & payinge in their respectiue places, shalbe rate free both in country & country rates, & take one shilling in the pounce for all fines receiued by him, & that all & euery the Treasurers of each county shalbe chosen aually by the ffreemen of the respectiue countyes vppon the last third day in the fourth moth, from time to time, in their seall townes wthin this iurisdiction, & that by proxie sealed vp, as is vsueall in the choyce of other officers, & that the sd proxies so sealed vp shalbe sent by a comission^r chosen for that end to each shire towne the next day followinge, there to be opened before some magistrate, if dwelling there, or, in defect thereof, before the three comission^{rs} for the sd towne, who shall & hereby are enjoyned to signifie to the seall townes who is chosen.

Printing of
lawes.
Price one pen-
ny a sheet.

It is ordered by this Court, that henceforth the secretary shall, wthin ten dayes next after this psent session, & so from time to time, deliuer a coppie of all lawes that are to be published vnto the psident or printer, who shall forthwth make an impression thereof to the number of fve, six, or seuen hundred, as the Court shall order; all which coppies the Treasurer shall take off, & pay for in wheate or otherwise to content for the number of fve hundred, after the rate of one penny a sheete, or 8^s a hundred, for fve hundred sheetes of a sort, for so many sheetes as the booke shall contayne; & the Treasurer shall distribute the bookes, to euery magistrate one, to euery Court one, to each towne where no magistrate dwells one, & the rest amongst the townes that beare publicke charge wth the jurisdiction, according to the number of ffreemē in each towne; & the order that engages the secretary to transcribe coppies for the townes is in that respect repealed; & it is further ordred, that the secretary be allowed ten pounds for this psent yeare only, in respect of w^t benefit is hereby withdrawne from him; and it is also further ordered, that M^r Samuel Symonds, Major Denison, & M^r Joseph Hills shall examine, compare, reconcile, & place together in good order all former lawes, both printed & written, & make fitt titles & tables for ready recourse to any *pticular contayned in them, & to psent the same to the next Court of Election to be considered of, that so order may be taken for the printing of the same in one pooke, whereby they may be more usefull then now they are or can be.

[*419.]

Accounts au-
dited.

There being a committee appoynted the last yeare for the auditing of the Treasurers acc^{ts}, which is not yet effected by reason the cunstables of the seall townes haue not yet cleared theire respectiue rates, it^f therefore ordred, that further time shalbe giuen for auditing the sd account^f, vntill what

is yet remayning from the country be brought in, pvided it be done before the next session of this Court, & a due returne made of the same at their next sitting.

1654.

3 May.

Vppon observation of many & great inconveniencies by this Court taking in of petitions, which are p̄sented from time to time, not only in the begining, but often towards the close of the Court, it is therefore ordered by this Court, that from henceforth no petition whatsoeſi ſhalbe receiued into the Generall Court after the first fower dayes of y^e Court of Election, nor after the first weeke of all other ſessiō from time to time, any law or custome to the contrary notwthstandinge.

Petitions, time
for receiving.

Whereas experience hath manifested som inconveniency in the interpretation of the law, title Appeales, the 2^a printed book, pag (1), wherein it is expressed that all appeales ſhalbe accounted in the nature of a writt of error, which is vnderstood to the revoking of the whole judgm^t of the former Court, though but a p̄t of it only be found defectiue, & so thereby a pson & case which, in respect of the substance of it, is just & in itselfe righteous, & in the apphensions of the judges appealed to doth so appeare, yet may be cast & condemned, & the nocent p̄tly aquited, to the dishonor of Gd, reproach of justice, grieving the innocent, & encouraging wrong doers, the Court doth therfore order y^t in all cases of appeales the Court appealed vnto shall judge the case according to former evidence, & no other, certefying what is amisse therein, & what matter of fact is found to agree wth the former Court & the judgm^t, according to law; not to revoake the decree or judgment, but to abate or increase dammages, as is apphended to be just, any law, custome, vseage to the contrary notwthstandinge.

Appeales certi-
fied.

Forasmuch as dayly experience tells vs that the pceeding^l of this Court are obstructed constantly through the introduceinge of p̄ticuler cases of a private nature, the worke of this Court being more proply to attend matters of a more publiq concernment, this Court doth therefore order, that no Court shall transerre the cases cominge before them, prop to the cognizance of such a Court, whither they a^re civil or criminall; *but if there be difficulty in any case, the Court shall state the question, leauing out the p̄ties names, & bring it to the Generall Court, where it may be resolved, & the Court or Courts that shall so state difficult cases shall suspend their judgment of the case till the Court doth meete agayne, which Court, vppon the resolution of the Generall Court, may pceede to judgment or sentence.

Cases to be
stated.

[*420.]

Forasmuch as it greatly concerns the welfare of this country that the youth thereof be educated, not only in good literature, but sound doctrine, this Court doth therfore commend it to the serious consideration & speciall

Schoole mas-
ters.

1654.

3 May.

care of the officers of the colledge, & the selectmen in the severall townes, not to admitt or suffer any such to be continued in the office or place of teaching, educating, or instructing of youth or child, in the colledge or schooles, that haue manifested y^mselues vnsound in the fayth, or scandalous in their liues, & not giueing due satisfaction according to the rules of Christ.

Laws ex-
playned.

Whereas, in the commissions for captaynes of troopes of horse, the captayne is subjected to the commaund of the major gen^l, & other superior officers, by superior officers, this Court declares, is to be vnderstood the majors of the severall regiment^l in the respectiue countyes.

2. Vpon occasion of a question concerninge the power of the committee of militia in the severall townes, constituted the 27 of the 3^d, 1652, i is by this Court declared, that the committee of militia in the sefall townes hath power to suppress all raysinge or gathering of souldiers, but such as shalbe by authoritie of this gofment.

Court^e
changed.

It is ordered by this Court, that henceforth the Court dayes, at Charls-towne, appoynted to be in the 11th moth, shalbe on the 3^d day of the last weeke in the 10th moth, from time to time.

It^e ordred, that the Gofin^r shall haue liberty to call a Gen^l Court on any speciall occasion, & the warrent^e to be dd to the marshall gen^l, who is to deli^d them to the county marshalls, who are speedily to effect it, at the countys charg.

Hampton peti-
tion.

In answer to the petition of the inhabitant^e of Hampton, the Court doth declare, though they are not willing to recall those vncomfortable differences that formerly passed betwixt this Court & M^r Whelwright, concerning matters of religion or practise, nor do they know what M^r Rutherford or M^r Wells hath charged him with, yet they judg meete to certifie, that M^r Whelwright hath long since giuen such satisfaction, both to the Court & elders generally, as that he is now, & so for many yeares hath bin, an officer in y^e church at Hampton, wthin o^r jurisdiction, & y^t, wthout *offence to any, so far as we know, & as we are informed, he hath bin a vsefull & pfitable instrument of doinge much good in that church.

[*421.]

Prisemens
case.

The Court, having reade & duely considered of the sefall tres & papers p^sented to them, in reference to the prisemen, doe not judge meete to put a finall issue to the case for p^sent, in regard they are in expectation of further information on the same, both from England & Barbados, & doe therefore judge, that vpon the tender of a thowsand pound apeece securitie, to such as the Magistrates shall appoynt, to answer what shalbe objected ag^t them before the counsell or Gen^l Court, when they shalbe therevnto required, they may

then be freed from their imprisonment; this securitie to contynue till this Court or the councell shall take further order therein. 1654.

In answer to a petition, presented by M^{rs} Stoughton, to be discharged from keeping a horse bridge oñ Neponsit Riuer, the Court orders, that in regard the riuer is hard, & passable for horse & cart to pas through, that the pet^r be only injoynd to make & mayntayne a good foot bridge, with a good rayle to it, oñ the sd riuer, it shall suffice, notwithstanding any former ingagm^t

3 May.
Answ. to M^r
Stoughto.

Cap^t Edward Johnson, at the request of the inhabitant^l of Wooburne, is appoynted to joyne in marriage there such as shalbe published according to law.

Cap^t Johnson
to marry.

Richard Thurley, havinge built a bridge, at his owne cost, ouer Newbery Riuer, hath liberty to take 2^d for euery horse, cow, oxe, or any other great cattle, as also one halfpenny a peece for euery hogg, sheep, or goat that shall pass ouer the sd bridge, as long as he shall well & sufficiently repayre & mayntayne the same, pvided that passengers shalbe free.

Answ. to Thur-
ley.

John Maurericke, preferring a pet for an order to make an estate good in a howse & land, bought of James Astwood, he being deceased, re^c this ans^w, that the Court, on pvseall of the evidences in the case, finding that howeuer the bill of sale runs in the name of James Astwood, yet, by evidence, it appeares it was only in trust, thinke meete to order & impower W^m Phillippis to cancell the deed, & that the recorder of the county shall reverse the record of it; & further, that W^m Phillippis, having bin paid for it, shall make a firme deed of sale of the howse & land mentioned to John Maurerick & his heirs for euer, according to law.

Mauricks an-
swer.

The Court cannot but deeply resent that so many psons, of seuerall townes, conditions, & relations, should combine together to p^sent such an vnjust & vnreasonable request as the revoakinge the sentence past the last Court agaynst Lieut Pike, & the restoreinge of him to his former libertie, without any petition of his owne, or least acknowledgment of his great offence, fully proued *agaynst him, which was no less then defaminge this Courte, & charginge them with breach of oath, &c., which the petition^{rs} call, some words let fall by occasion. The Court doth therefore order in this extraordinary case, that commission^{rs} be appoynted in the seuerall townes, viz^t, M^r Bradstreet for Andevour & Haverill, Cap^t Gerish & Nicholas Noyce for Newbery, M^r Winslow & M^r Bradbury for Salsbury, & Cap^t Wiggan for Hampton, who shall haue power to call the sd petition^{rs} together, or so many of them at a time as they shall thinke meete, & require a reason of their vnjust request, & how they came to be inducd to subscribe the sd petition, & so to make returne to the next session, that y^e Court may consider further how to p^{ro}ceed herein.

Salsbury,
Newbery, Ha-
verill, & Ande-
vor pet. answer.
Lieut. Pike.

[*422.]

1654.

3 May.
Watertowns
answer.

There beinge a peť pferred by Christopher Graunt, of Watertowne, & other the inhabitant℄ there, as also another by the select men of the sd towne, referringe to the settling of differences about land, which this Court thinkes meet to reffer, to be heard & examined by a committe, & to that end doth appoynt Major Symon Willard, M^r Edward Jackson, & Thomas Danforth, who *who* hereby haue full power to settle the matters in diffrence betweene the ptyes concerned herein, & to make returne of the agreement to the next session of this Court.

Gunisons case.

In answer to a petition of Hugh Gunison, & the case respecting him & Cap^t Shapleigh, & the late Court held at Yorke, it is ordered & hereby declared, that all Hugh Gunisons goods shalbe returned to him taken away by execution or replevin at Cap^t Shapleighes sute, & the dammage & costs shalbe made good according to the judgment of Cap^t Richard Walden, & M^r Valentine Hill, & if they cannot agree, they are to choose a third man, & then to determine it; & that any pson concerned in any ciuill action issued in the sd Court shall haue libtie of appeale as well as if it had bin made in Court, pvided they giue in their reasons as the law requires, & giue six dayes sumons to the aduerse pty, & all pceeding in criminall cases shall stand firme, equall to y^e ac^{ts} of all other Court℄ of judicature of like power, any exception made or to be made ag^t the sd Court, or the pceeding℄ thereof, notwthstandinge, & that the county of York shall beare the charges of y^t Court.

Pickards an-
swer.

In answer to the peť of Hugh Smyth & John Pickard concerninge the pbate of the will of Thomas Elthroppe, as also in reference to another peť concerninge the case, the Court orders, that although the pbate of wills belong℄ to other Court℄, yet in this case the peť is graunted to the psons named in the sd will, pvided they giue securitie to this Court, that in reference to y^e power mençod in the sd will, that the eldest sonne *haue 28^{li}, & the three youngest children 20^{li}, a peece, there beinge so much cleare estate remayninge after the widdows 30^{li}, & all debts hitherto appearinge deducted; but if the cleare estate shall arise to more or fall short of 120^{li} cleare, the state then to be equally to be distributed amonge the fower children.

[*423.]

Mills answer.

William Mills beinge a non freeman, & puting in a vote for the Goũno^r, beinge vnder a fine of 10^{li} for so doeing, vppon his request to this Court, hath halfe his sd fine remitted, viz^t, 5^{li}.

Pomfrett to
marry.

15 May.
Powder.

At the request of the towne of Dover, Lieu^t Pomfret is appoynted to joyne in mariage such as shalbe published there accordinge to law.

It is ordered by this Court, that Boston shalbe allowed aũually out of the cuntryes store one barrell of powder, which shalbe deliuerd to such as Major Gen^l Gibbons shall appoynt to receiue it, so as they salute euery ship y^t salutes

the towne; & likewise that Charlestowne every two yeares shall haue on the same termes one barrrell of powder deliuered to such as Cap^t Norton shall appoynt to receiue it, p^{ro}vided it be deliuered according to order. May 15, 1650.

1654.

15 May.

John Gray, having served as gunner at the Castle almost a yeare, is allowed, for the time past, after the rate of 20^{li} p^{er} annum; & for the future it is left to the cap^t of the Castle to make agrement w^{ith} a gunner, so y^t it exceed not 20^{li} p^{er} annum. Grayes answer.

At the request of Major Denison, Mr Joseph Jewett, Lieu^t Remington, & Ensigne Howlett, or any two of them, are hereby empowred to lay out 600 acors of land to him or his assignes, being formerly graunted to him, adjoyning to the westerly bounds of Rowley. Major Denisons answ.

Whereas Mr W^m Parkes was appoynted by a County Court to be administrator to the estate of James Astwood, (his wife refusinge the same,) did, by order of the sd Court, make sale (to pay the credito^{rs}) of all the howses & lands the sd James Astwood dyed here possessed of, now vppon his request to this Court, it is ordred, that his sd acts herein shalbe good in law, & is hereby confirmed & allowed, which shalbe suffycieñ securitie to the purchaser of such howses & lands as affor^{sd}. Parks his power.

John Ruddock & his horse, being employed by Cap^t Leuerett in his journey to the Manhatos, is to haue his bill of charges signed by the audito^r and p^{ro}vided by the Treasurer, p^{ro}vided he make it appeare vnder the hand of Cap^t Leueret or Lieu^t Davis what is due to him.

Vppon the request of John Hull, of Newbery, & Margrett, his wife, this Court doth confirme & allow of the sale of a p^{ar}cell of land at Watertowne, somtimes in the possession of the sd Margrett, vnto John White & his heires for euer, the evidences being burned.

*The Court having receiued seuerall informations of many gross & abusive cariages of Edward Colcord in a seeming way of fraude, which, if proued as is tendred, ought to be duely & timely wittnessed agaynst, & meet punishm^{nt} inflicted, & be^{ca}use this Court would not be wanting in the vse of all due meanes for the discouery of such vile practises, it is ordred, that the secretary shall forthw^{ith} graunt out atatchm^{nt} agst the sd Edward Colcord, in the some of fifty pounds, binding him to be responsall to the next County Court at Hampton, for such his miscariages as is w^{ith}in mentioned, & shalbe then p^{ro}ved agaynst him for that end. This Court doth hereby appoynt & impower the recorder for the County Court at Hampton, by warrent, to send for all such p^{ar}ties as haue profered to proue the within mentioned abuses of Edward Colcord, & such other as he shalbe informed off can come in & testifie agst him, and that Court to make returne to the next Court of Assistant^{es} of [*424.]
Colcords case.

1654.

15 May.
Jacobsons
case.

Colledge
guilt.

what they shall find, that so justice may be administered in case that Court cannot reach to due punishment.

It being put to the question whether the barke of Capt Jacobsons be forfeited by o^r law for trading with the Dutch, & not giueing caution to the secretary vpon her sayling from hence, which this Court resolues in the affirmative.

Whereas it pleased the only wise God, the fountayne of learninge & all other o^r libties & mercyes, to direct & dispose the Gen^l Court, held at Boston, the 19th of the 8th moth, 1652, to moue the breth & neighbours of the seuerall townes in this jurisdiction to a free contribution, either in a gross som or aⁿuall renew, as each pson contributeinge shall judge best for atayninge the ends p^ounded, & for the better effectinge the same, the Gen^l Court were pleased to direct that the townes should make choyce of one meete pson to take the subscriptions of each pson wthin their respectiue townes, & that the blessed God hath so farr shined vpon that designe as that many psons from se^uall townes haue subscribed for se^uall good sums, these are to signifie o^r request^l to such townes as haue not made returne to the co^mmittee appoynted to receiue the same, that they, or the select men of the towne, vpon sight hereof, will appoynt one fitt pson in each towne to moue the se^uall inhabitant^l, & to receiue their p^oticular subscriptions, & to returne them to M^r Increase Nowell before the first of the sixth moth next, that so a worke so pious & p^ofitable be not discouraged or retarded; & for such townes as haue made returns in order therevnto will please forthwth so to state the same as that the improuement thereof may be in a capacitie to answer the occasions of the colledge, & that such psons in those townes as haue not contributed may, by some meet pson appoynted by the select men, be moted therevnto, that so the worke may be effectually caried on to Gods glory.

[*425.]

Powder.

*It is ordred by this Court, that if the se^uall townes shall not, wthin one six weekes, send downe sufficient pay to the secretary for their se^uall proportions of powder out of this jurisdictions p^oportion, now in his hands, to his content, in wheat o^r pease, he shall haue liberty to sell it & place it to the colonyes acc^o; & that the secretary, wth the depu^tl of Boston & Charlistowne, shall p^oportion what each towne shall haue.

Indians an-
swer.

Vpon the pet^o of M^r Eliott, in behalfe of the Indians, liberty is graunted to the Indians at Nashop to make a towne there, the like liberty is graunted to the Indians of Ogkoouhquonkam^l, being 8 miles west of Sudbury, as also to the Indians of Hasnemesukoh, being about 16 miles west of Subury, p^ovided it doe not p^ojudice any former graunt^l, nor that they shall dispose of it wthout leaue fist had & obtayned from this Court.

W^m Wake, being vnder a fine for liuing from his wife, vppō his request to this Court, hath his fine abated to five pounds, which he is forthwth to pay.

1654.

15 May.
Wakes answ.
Barrells acc^r.

John Barrell & Richard Wayte, being sent as messengers to the Indians, shalbe allowed three shillings p diem for their services, & John Whitman shalbe allowed fower shillings a day for his paynes & vse of his horse; & that the auditor shall take notice of it, that so it may come to an account to the rest of the colonies.

This Court orders Thomas Robbins, who was to answer at the Gen^l Court, comitted to the marshall, to appeare at the County Court at Salem, to be tried for his entertayning of two of the prise prisoners after their escape out of Boston prison, for five dayes, so as such obstructo^{rs} of justice may not be encouraged for future times.

Robbins referd.

In answer to the pē of the inhabitant℄ of Haverill, the Court, on hearing of both ptyes, doth order & appoynt Henry Short, of Newbery, Joseph Jewett, of Rowley, & John Stebens, of Andevour, as a committee to view the land, examine the Court℄ graunt℄ to Haverill & Salsbury, the agreement of the townes, & the necessary occasions of both ptyes in reference to the land menōd in the petition, & to returne their apprehensions thereof to this Court.

Haverills answer.

The Court, having pvsed the evidences & considered of the confession of Daniel Gun, a Scotsman, who was suspected to haue committed adultery wth Alce, the wife of John Cheater, of Newbery, doe not find the sd Gun to be guilty of the sd fact, according to law, yet judge him to be worthy of punishment, & doe therefore order him to be whipt, when he is capable of it; & because there is some hope of his cure, doe order, that Lunerius be imployd about him, & satisfyed by the Treasurer for the p^sent, & afterwards be cast on such as this Court shall determinē, & contynue where he is till the chirur^gion shall otherwise pvide a place for him. And the sd Alce Cheater, not being found guilty, accordinge to law, of the sd fact, yet in regard of her vnchast behavio^r, is adjudged to be admonished, & to stand tyed to the whipping post one hower, & be discharged, that she may repayre to her husband.

Guns case.

*In answer to the pē of Edward Goff, for the paym^t of one hundred pounds due to him by assignment frō the p^sident, wth forbearance, its ordred, that the Treasurer shall treat wth the petition^r, & audite the account℄, & accordingly shall giue satisfaction for so much as shalbe found justly due to him.

[*426.]
Edw. Goffs
answ.

James Vnderwood being fined 20^{li}, att Salem Court, for liuing from his wife, vppon his petition, hath his fine respited vntill testimonyes be pduced in

Vnderwoods
answ.

1654.

15 May.
Oatis answ.

the County Court of Salem, who haue hereby power to release the fine, either in whole or in pt, as the justice of the case shall require.

In answer to the petition of John Oatis for remittm^t of a fine imposed on him, the Court thinkes meete to graunt his request, except thirty shilling℥, twenty whereof to belonge to the country, & ten to the constable, so as the petition^r, on a Lords day, after exercise, or on some publicke assembling of the congregation, make like full acknowledgment of his miscarriage, as he hath in this petition, by word or writing, or else shall pay, within one six weekes, fve pounds, as a fine, to the country.

Dorcas Halls
answer.

In answer to the petition of Dorcas Hall for a divorce from her husband, John Hall, it being fully proued that he hath voluntarily wthdrawne himselfe from his wife, & continues in his obstinate refusall to cohabite wth her, & hath broken the bands of wedlocke, as doth appeare by his owne confession, as also attested by M^r W^m Coddington, M^r W^m Jeoffrys, & the oath of Lawrence Turner, the Court orders, that the sd Dorcas shalbe, & hereby is, declared that she is legally divorced from the sd John Hall, & is at her liberty to marry wth any other man.

Pages answ.

In answer to the petition of W^m Page, of Watertowne, for assurance of land, it is ordered, that a deed of sale be made, accordinge to law, of the land exprest in the pet^r, & that George Parkhurst & Susana, his wife, be injoynd to signe & acknowledge the same, & that the sd deede be recorded, which done, shalbe a suffcient assurance to y^e peto^r.

Lawrence Smyth, complayninge of some injurys offred him in respect of his apprentice taken from him, hath his libtye to bring his case to the County Court or Court of Assistant℥, if he please.

M^r Symonds
land, &c.

[*427.]

Whereas this Court hath graunted vnto M^r Samuel Symonds fve hundred acors of land the last yeare, & 300 formly, with pviso to set vpp a sawmill within seven yeares, as by the records of this Court doth appeare, *power is hereby giuen to John Gage, Robt Lord, John Dane, & M^r Daniel Epps, or any two of them, to lay out y^e same in some free place beyond the Riuer of Merimacke, pvided no pt thereof shalbe wthin fve miles of the meeting howse of Exeter. And if the sd M^r Symonds shall desire rather to haue this land layd out by or neere Majo^r Denisons land, which this Court hath ordred to be layd out by Ensigne Howlet, M^r Joseph Jewett, & Lieut Remington, power is hereby giuen to the sd comissiono^rs to lay out his full quantytie there, or so much of it as he thinkes meete; & this Court takes offe the pviso concerning y^e sawmill.

In answer to a petition from the inhabitant℥ of Rowley concerninge the bounds of their towne, its ordred, that the petition^r, as also the inhabitant℥

of Newbery, should attend the Court order concerning pambulation, wherein if the p̄tyes concerned agree not, then the p̄tyes greived may releiue themselves at a County Court.

1654.

15 May.

Anthony Fisher, being vnder a fine for neglecting to bring in the votes of their freemen, hath his fine abated to 20^s.

Fishers fine, &c.

In answer to the peṭ of the inhabitant℥ of Lancaster, they haue the libties of a township graunted to them, that the lawes allow, vntill this Gen^l Court take further order therein; and that Lieut Goodenow & Tho Danforth lay out the bounds of the sḁd towne, according to y^e Court℥ graunt, at the townes charge, & make returne thereof at the next Court of Election.

Lancasters lib-
ertie.

In answer to the peṭ of Mahalaliell Muninges, attorney for his father, Edmund Muning℥, the Court orders, that a wharfe of George Halswells, with all the right℥ & priuiledges therevnto belonging, shalbe deliuered into the hands of the sḁd Mahalaliell Muning℥ by the marshall, vntill the whole execution of thirty seven pounds odd money be fully satisfyed out of the p̄fitt℥ of the sḁd wharfe, together wth all damages & forbearance, according to law, or the sḁd Halswell shall take some other way for the satisfaction of the debt.

Munnings
answ.

Vppon complaynt made to this Court of some loss that was vppon corne collected for publicke service, but afterward was returned to the owners, the Court ordred, that each towne should beare their owne loss, & the select men in euery towne are to act herein, so that the p̄portion of loss & charge may be equally boṛne by p̄ticuler psons.

Losses of con-
stable.

*In answer to the complaynt of Robt Lord, marshall of Ipswich, p̄sented to this Court in reference to the levyng of an execution, graunted at Ipswich Court, to M^r Joh Giffard, ag^t the estate of M^r Joh Becks & Company, of the iron works, it being put to the question, whether the sḁd Lord did p̄ceed legally in levyng the psonall estate of M^r Henry Webb, of Boston, by vertue of his execution, & voted by the Deputies in the affirmatiue, but the Magis^ts not consenting, the whole Court, voteing together, did determine & resolute as afforesḁd.

[*428.]

Contradien-
tes: y^e Gout-
nor, M^r Now-
ell, M^r Hib-
bens, Capt.
Bridges, Capt.
Wiggan, Capt.
Gookin, Capt.
Atherto, M^r
Russell, Capt.
Savage, Roger
Clapp, Tho.
Macey, Rich.
Browne, M^r
Rishworth, M^r
Child, W^m
Parkes, Capt.
Clark.

The Court, vppon a hearing of the case betweene Robt Lord, marshall, & M^r Henry Webb, vppon the quesṭ, whether M^r Webb be such an owner or vndertaker of the iron workes as makes his pson or psonall estate lyable to the judgm^t of Ipswich Court ag^t the sḁd owners or vndertakers, the Court resolved on the negatiue.

The commission of M^r Pinchon, M^r Holiocke, and M^r Chapin beinge expired, & no other substituted in their places, it is therefore hereby ordered, that the sḁd M^r Joh Pinchon, M^r Elizur Holiocke, & M^r Samuel Chapin shalbe, & hereby are, impowred as comissiono^{rs} to act at Springfield, according to the

25 June.
Springfield
comission^{rs}.

1654.

25 June.

M^r Dunsters
resignation.

comission formerly graunted by this Court to M^r Henry Smyth, in May, 1651, they takeinge the oath appoynted formerly by the Court in the yeare 1652, at some publicke meetinge of (at least) ten of their inhabitant^e of Springfeild, afforesd; and this their comission to contynue till the Court take further order therein. Dated 25: 4, 1654.

In answer to a writinge, p^sented to this Court by M^r Henry Dunster, wherein, amongst other thinges therein containd, he is pleased to make a resignation of his place, as p^sident, this Court doth order, that it shalbe left to the care & discretion of the ouerseers of the colledge to make provision, in case he p^sist in his resolution more then one moneth, (& informe the ouerseers,) for some meete p^son to carry an end that worke for the p^sent, & also to act in whateuer necessitie shall call for, vntill the next session of this Court, when we shalbe better enabled to settle what shalbe needfull in all respects in reference to the colledge, & y^t the s^d ouerseers wilbe pleased to make returne to this Court at that time of what they shall doe herein.

[*429^a.]

2 November.

*Boston, the (ii), 9, 1654.

Court ad-
journed.

The Deputies assembled in Generall Court to attend the occasions of the country, & goeing to the place where o^r hono^r^d Magistrates sate, there to treat off & conclude such thinges as we judged of high concernment to the country, both in reference to the gen^l & some p^sons in p^ticular, find that so many of o^r hono^r^d magis^ts haue taken libertie to depart from the Court that the remaynder left are not a sufficyent number to keepe a Court accordinge to o^r owne lawes, which is greatly to o^r greife, that those whom both we & o^r freemen doe expect should be o^r leaders, & haue most naturall care for the publicke good, should so farre neglect their trust; we doe therefore declare o^r selues to be no p^scurers hereof, but, to o^r greife, are forced thus to declare o^r selues, which we desire may ly vpon record for the clearing of o^r selues, & doe therefore desire that this Court may be adjourned vntill the last third day in the last moth next.

Depth dyett.

Whereas it is judged most comly, convenient, & conduceable to the dispatch of publicke service, that the Deputyes of y^e Gen^l Court should dyett together, especially at dynner, it is therfore ordred, that the Deputyes of the Gen^l Court, the next ensuing yeare, viz^t, 1655, shall all be p^svided for at the Shipp Tauerne, at Boston, in-respect of dynner, & y^t they shall all accordingly dyne together, & that Lieut^h Phillips, the keeper of the s^d taverne, shalbe payd for y^e same by the Treasurer for the tyme being, by discounting the same in the custome of wyne payable by the s^d Lieut^h Phillipps, & that

the Treasurer shalbe repayd by the seſſall townes, according to the charges of their respectiue deputies, with their next country rate, & in the same kind of payment ; and it is further ordered, for the pvention of vnsettlednes & other distractions for the future, that the Deputyes of the Gen^l Court shall yearly, & eſy yeare, from tyme to tyme, before the disolueing of the last session thereof, accordingly take some effectuall course in this case in such sort as to themselves shall seeme best, that the Deput^s of the next succeeding Court may not be occasioned to seeke their own settlem^t in this case, & so retard publick service ; & its further ordred, that the Deputyes shall giue notice hereof to the Deput^s that shalbe chosen for the succeeding yeare from time to time. This is past as an order respecting the Howse of Dep^s.

1654.

2 November

W^M TORREY, Cleri^c.

*An agreement made with Lieu^t Phillips by the Deput^s now assembled in Gen^l Court, that the Dep^{ties} of the next Court of Election shall sitt in the new court chamber, & be dyeted wth breakfast, dynner, & supper, wth wine, & beere betweene meales, wth fire & beds, at the rate of three shillings p day, so many as take all their dyet as affore^sd at the s^d howse, but such as only dyne, & not supp, to pay eyghteen pence for their dynners with wine, & beere betwixt meales ; but by wine is intended a cupp each man at dynner & supp, & no more. 12 : 9, 1654.

[*429b.]

12 November.

Lieu^t Phillips did accept of this, & agreed thereto, wth this pviso, that only such as had all their dyet there should haue beere betweene meales, & also that vppon extraordinary occasion he might haue the vse of the great court chamber.

Subscribed by W^M PHILLIPS.

**Att a Generall Court of Election, held att Boston, the two and twentyeth of August, 1654.*

[*430.]

22 August.

IT is ordred by this Court & authoritie thereof, that no inhabitant of this jurisdiction or stranger shall from henceforth send, carry, or transport out of this jurisdiction, by sea or land, directly or indirectly, any of the money that hath bin or shalbe coyned within this jurisdiction, except twenty shilling^l for necessary expences, on penalty of confiscation, not only of such money so coyned, but also all the visible estate of him that shall any way be found

Money not exported.

1654.

22 August.

sending or exportinge any of the coyne afforeſd, one third whereof ſhalbe to the uſe of the informer & officer, the other two thirds to the country ; & that this law may be duely obſerved & executed, Peter Oliuer & John Barrell for Boston, Jacob Greene for Charlſtowne, George Williams & Samuel Archer for Salem, Robt Lord for Ipſwich, Henry Rice for Sudbury, Henry Sherburne for Paſcataque, Hercules Hunkins for the Ile of Shoales, are hereby appoynted & authorized as ſearchers to examine & ſearch all pſons, veſſels, packℓ, trunks, cheſts, boxes, or the like, that ſhalbe transporting out of this juris-diction, & finding any money, ſhall ſeize the ſame, & forthwth informe the next magiſtrate thereof, who ſhall iſſue out his warrents for the pſent ſeizure of the whole viſible eſtate of the pty ſo transporting contrary to this law, for the uſe of the common wealth, & for the ptyes ſearching & informinge, as is aboue expreſt ; & tis further declared, that all ſuch maſters, marino^{rs}, or other pſons that ſhalbe found to be privie or conſenting to the exportinge of any of the coyne afforeſd out of this juris-diction, he or they ſhall for euery ſuch offence forfeit the ſume of twenty pounds apeece, to be payd to the vſes afforeſd ; & the ſeuerall ſearchers ſhall take the oath appoynted for ſearchers in the printed booke, only, in ſtead of halfe, a third pt to be incerted, and in ſtead of certifying the auditor gen^l to incert, to certifie the next magiſtrate.

Payments in
kind.

For explanation of the order concerning paymentℓ, it is by this Court ordred & declared, that all contractℓ or engagementℓ for mony, corne, chat-tles, or fiſh ſhalbe ſatisfied in kind accordinge to couenant, or in default of the very kind contracted for, in one of the ſd kinds ; provided, that in ſuch cases, wherein payment in kind is not made according to covenant, all juſt damages ſhalbe ſatisfied, together with the debt for not payinge in kind ac-cordinge to bargan ; & in no caſe ſhall any creditor be forced to take any other comodities for ſatisfaction of his debt, vnles it be accordinge to his con-tract ; but it ſhalbe lawfull for ſuch credito^r to imprison the pte till he make ſatisfaction accordinge to covenant, or to take vppon execution ſuch goods, howſes, or lands, as ſhalbe to his ſatisfaction, any law, cuſtome, or vſeage to the contrary notwthſtandinge.

[*431.]

Free trade.

*It is ordred by this Court, that the law made in May, 1653, phibitinge trade with the Dutch, be henceforth repealed.

Ministers
mayntenance.

Forasmuch as it highly tends to the aduancement of the goſpell that the miniſtery thereof be comfortably mayntayned, & it beinge the dutie of the ciuill power to uſe all lawfull meanes for the atayninge of that end, and that henceforth there may be eſtabliſhed a ſettled & encouraginge maintenance of miniſters in all townes & congregation wthin this juris-diction, this Court doth

1654.

22 August.

Contradictent:
Mr Jos. Hills,
Capt. Clark,
Mr Macey,
Mr Stanion.

order that the County Court in euery shire shall (vppon information giuen them of any defect of any congregation or townshipp within the shire) order & appoynt what mayntenance shalbe allowed to the ministers of that place, and shall issue out warrents to the select men to asseesse, & the constable of the sd towne to collect, the same, & distreine the sd assessment vppon such as shall refuse to pay; and it is hereby declared to be o^r intentions that an honourable allowance be made to the ministry respecting the abilitie of the [^]; & if the townes shall find themselues burthened by the assessment of the County Court, they may complayne to this Court, which shall at all times be ready to giue just releife to all men.

Forasmuch as it appeares by too much experience that diuers children & ^{Youths to be} servant^l doe behaue themselues too disrespectiuelly, disobediently, & disorderly ^{punished for} towards their parent^l, masters, & gouerno^{rs}, to the disturbance of families, & discouragment of such parents & gouino^{rs}, for the ready p^rvention whereof it is ordered by this Court & the authoritie thereof, that it shall henceforth be in the power of any one magistrate, by warrent directed to the constable of that towne where such offender dwells, vppon complaynt, to call before him any such offender, & vppon conviction of such misdemeaners, to sentence him or them to endure such corporall punishment by whipping, or otherwise, as in his judgment the meritt of the fact shall deserue, not exceeding ten stripes for one offence, or bind the offender to appeare at the next Court of that county; & further, it is also ordred, that the commissione^{rs} for the towne of Boston, & the three commissione^{rs} for townes where no magistrate dwells, shall haue the like power, p^rvided the p^rson or p^rsons so sentenced shall haue libertie to make their legall appeale to the next County Court, if they desire it, in any of these cases.

It is ordred, that no p^rson within this jurisdiction shall, directly or indirectly, after the first of March next, import any malt into this jurisdiction from any pt of Europe, or shall buy or receiue any brought in by any forreiner from the pts afforesd, vnder the p^renalty of one shilling for euery bushell that shalbe so imported, bought, or receiued, the one halfe to the informer, the other halfe to the common treasury.

*Whereas this country is at this time in great streyghts in respect of clothing, & the most liklyest way tendenge to supply in that respect is the ^[*432.] raying & keepinge of sheep within o^r jurisdiction, it is therefore ordred & enacted by this Court & the authoritie thereof, that, after the publication hereof, no p^rson or p^rsons whatsoever shall transport any ewes or ewe lambs out of this jurisdiction to any forraigne port or place, vppon the penaltie of the forfeiture of fīue pounds for euery ewe or ewe lambe so transported, the ^{No sheepe ex-}

1654.

22 August.

one fourth pt. to the informer, the other three parts to the country ; pvided, this order shall not hinder the sellinge of such sheepe to any of the other colonyes in confederatiō with vs, they, vppon due notice giuen by o^r comissiono^{rs}, makinge a law to this purpose, to restrayne the transportinge of sheepe out of their respectiue jurisdictions ; and it is further ordred by the authoritie afforesd, that no ram or weather lambs shall henceforth be kild by any butcher, or other pson, except by the keepers or masters of sheepe for their owne p^ticuler occasions, vnles they shalbe tw years old, on penalty of twenty shillingē a lamb, the one halfe to the informer, the other halfe to the country, till the country shall take further order herein.

Reeues & Muggleton.

It is ordred, that all & euery the inhabitant^l of this jurisdiction that haue any of the bookes in their custody that haue lately bin brought out of England vnder the names of John Reeues & Lodowick Muggleton, who p^tend themselvs to be the two last witnesses & prophet^l of Jesus Christ, which are full of blasphemies, & shall not bring or send in all such bookes now in their custody, to the next magist^r, shall forfeit the sume of ten pounds for euery such booke that shalbe found, or knowne to be in the hands of any inhabitant after one moneths publication hereof, the one halfe to the informer, the other halfe to the country ; & as many of the sd bookes as can or may be found to be *to be* burned by the executiono^r, at Boston.

Books to be burnt.

[*433.]

17 October.

**Att a 4th Session of the Gen^l Courte, began the seuenteenth Day of October, Año 1654.*

Cunstablers returne.

THIS Court findinge great inconuenience in the vncertaynty of their member^l, & the number thereof, doe therefore order, that from henceforth the cunstablers of each towne shall returne the name of the pson or pson[^] chosen by the freemen to be deputies for the Gen^l Court, & the time for which they are chosen, whether for the first session or the whole yeare ; & euery cunstable y^t shall fayle in this his duty shall forfeit the sume of twentie shillingē, to be payd to the common treasury ; & all psons so chosen, as afforesd, acceptinge thereof, which shalbe absent from the howse dureing the time of their sittinge, without just grounds, so judged by the howse, shall pay twenty shillingē a day for euery such default ; & the seuerall returnes of each cunstable shalbe kept on file by the clarke of the Dep^t, till the Court be ended.

Selling of judgment^l.

Whereas there is a great abuse in sellinge of judgment^l & executions, so alteringe the pprietic of them before they be satisfied, or goods seized, wherby

great inconveniencies may arise, as experience hath pved, this Court doth therfore order, that after the end of this session no pson shall sell, alienate, or assigne any judgment or execution whatsoell; & if any shall psume to act contrary to this order, his sale, assignment, or alienation shalbe voyd in law; & in case the pte dy after the judgment, before he hath taken out an execution, or before satisfaction be receiued, his executor or administrator shall take out or renew the execution, as the testator himselfe might haue done.

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17 October

For as much as, according to the p^sent forme of gouernment in this jurisdiction, the saftie of the commonwealth, the right administration of justice, the p^servation of the peace, & puritie of the churches of Christ therein, vnder God, doth much depend vpon the pietie, wisdom, & soundnes of the Gen^l Court, not only Magistrates, but Deputies, it is therfore ordred by this Court & authoritie thereof, that no man, although a ffreeman, shalbe accepted as a deputie of the Gen^l Court, that is vnsound in judgment concerninge the mayne poynts of Xstian religion as they haue bin held forth & acknowledged by the generallitie of the Ptestant orthodox writers, or that is scandalous in his conversation, or that is vnfaithfull to this gouernment. & it is further ordered, that it shall not be lawfull for any ffreeman to make choyce of any such pson, as affore^d, that is knowne to himself to be vnder such offence or offences before specified, vp^o peine or penaltie of ffeue pounds, & that the case of such psons to be tryed by the whole Gen^l Court.

Dep^t to be orthodox.

It is ordred by this Court & authoritie thereof, that henceforth there shalbe alowed to each of o^r hono^r^d magistrates which are already, or which *hereafter shalbe, chosen, & attend the service of the country, the summ of ffeue & thirty pounds p annu, they bearinge their charges in such Courts, as in the order made in the yeare 1653 is in that case pvided, & likewise beare equall pportion of publicke charges with other men in all towne & country rates. And further, it is ordered, that in regard the easterne parts, which beare no charge with vs, haue some benefitt by the helpe of some of o^r hono^r^d magistrates, that they shalbe lyable to pay in yearly to the country Treasurer the sume of seuteene pounds & ten shilling^e, towards the charges affore^d.

Magist^r allowance.

[*434.]

Forasmuch as the three commissiono^rs for small causes, in the seuerall townes within this jurisdiction, haue great power of iudicature, as by seuerall former orders appea^r, the exercise whereof being of great concernment both to townes & country, this Court doth therfore order, & be it hereby enacted, that henceforth there shalbe none admitted to be a commissiono^r for any towne within this jurisdiction, but such whose conversation are inoffensiue, & whose

Commissioners inoffensiue.

1654. fidelitie to the country is sufficiently knowne, & approued off by the County Court of that shire.

17 October.
Disorders punishable, particular in houses of worship.

Whereas experience giues vs cause to complayne of much disorder in time of publicke ordinances, in the meetinge howses in seuerall congregations in this jurisdiction, through the vnreuerent cariage of diuers young psons & others, notwithstanding the best meanes that haue bin hitherto vsed in the sd assembls for the reformation thereof, it is therefore ordred by this Court & the authoritie thereof, that it shalbe in the libtie of the officers of the congregation, & the select men of such townes, together, to nominate some one or two meete psons to reforme all such disordered psons as shall offend in any misdemeanor, either in the congregation or elsewhere, neere about the meeting howse, either by serious reproofe, mor private or more publicke, or other the like warning & meete corection, if the magistrate or commission^{rs} of that towne judge meete. And we are not doubtfull, but the reuerend elders of the seuerall congregations, accordinge to their wisdome, will so order the time of their publick exercise, that none shalbe ordinarily occasioned to breake off from the congregation before the full conclusion of publicke exercise. This order to be published in 14 dayes.

Pvision for the p'sident.

Whereas we cannot but acknowledge the goodnes of God towards his people in this wildernes, in raysing vp schooles of learninge, & especially the colledge from whence there hath sprung many instrument^l both in chh & comonwealth, both to this & other places, & whereas at p'sent the worke of the colt hath bin sefall wayes obstructed, & seemes yet also at p'sent, for want of comfortable mayntenance, *ffor the incuragment of a president, this Court, takinge the same into serious considration, & finding that though many ppositiōs haue bin *haue bin* made for a voluntary contribution, yet nothing hath bin hitherto obtayned from seuerall psons & townes, althō some haue done very liberally & freely, & fearing lest we should shew o'selues vngrat-full to God, or vnfaithfull to posteritie, if so good a seminary of knowledge & virtue should fall to the ground through any neglect of o^{rs}, it is therefore ordered by this Court & the authoritie thereof, that besides the pfitt^l of the ferry, formerly graunted to the colt, which shalbe contynued, that there shalbe yearly leuyed, by addition to the country rate, an hundred pounds, to be payd by the Treasurer of the country to the colt treasurer, for the behoofe & mayntenance of the p'sident & fellowes, to be distributed betweene them accordinge to the determination of the ouerseers of the colledge; & this to continue dūring the pleasure of this Court. And it is hereby ordered, that no man shall stand ingaged to pay his voluntary contribution that he hath vnderwritt, by vertue of this Courts pposition, & that such psons as haue already done

[*435.]

Colledge pvision.

voluntarily shalbe considered for the same in the country rate; such a proportion as this addition of one hundred pounds doe add to the rate, to be allowed by the constable to each person, & by the Treasurer to the constable.

1654.

17 October.

Forasmuch as notwithstanding the great care this Court hath had, & the lawes made to suppress that swineish sin of drunkennes, & yet persons addicted to that vice finde out wayes to deceiue the lawes pvided in that case, for the better preventinge thereof, it is ordered by this Court & the authoritie thereof, that none licenced to sell strong waters, nor any private howsekeeper, shall pmitt any person or persons to sit drinking or tipplinge strong waters, wine, or strong beere in their howses; & if any such seller of strong waters or private howsekeeper shalbe legally convict before any County Court, any one magistrate, or Comission Court, such person shall for the first offence be fined twenty shillinge; & if the party so convict be not able to pay his fine, he shalbe sett in the stocks, where he shall contynue one whole houre; and if any such seller of stronge waters shalbe convict as afforeſd of a second offence of the same nature, he shall forfeit his licence, & shall also pay as a fine twenty shillings to the commonwealth; & if any private howskeeper shall be convict as afforeſd of a second offence ag^t this law, he shall pay a fine of five pounds; & for the third offence, such person or persons, being so convict, shalbe bound to their good behavior in twenty pounds bond, wth two sufficient sureties, or be committed to prison.

*It is ordered by this Court, that all sortes of corne shalbe payd in the country rate at these prises following, viz^t: wheat & barley at five shillinge p bushell, rye & pease at four shillinge p bushell, & all Indian corne that is or shall be brought in to the Treasurer, or be payd by his order, before the tenth of March next, shalbe accounted but at two shillings eyght pence p bushell, & what shalbe payd after y^t time shalbe accepted at 3^s, & what payments soeuer are made besides corne to the country rate shall henceforth be apprised according to law as ready money, pvided it be prised where tis paid.

Major Willard, comāunder in cheife for the Vnited Colonies in the late expedition ag^t Ninigreet, being returned, & having discharged the forces committed to him from the colonies, this Court doth order, that Cap^t Davis shall disband his troope of horse raysed by this colony; also, that the major gen^l discharge the military watches & the committees of militia in the respectiue townes to release the souldiers vnder presse & warrents giuen out to these ends & purposes.

The new chh in Boston, p^rfering a petition in reference to the ordination of M^r Powell to be a teaching officer amongst them, are referd to the last answer of this Court as an answer to their petition.

This Court, taking into further consideration the case of the forementioned

[*436.]
Prises of corne,
paid in for
rates.

Disbanding
forces.

New ch^b ans^r.

1654.

17 October.

petitioners, & being sensible of the vncomfortablenes of their p^sent condition for want of a teaching officer amongst them, qualified according to the whole-some lawes established amongst vs, & being very willing to afford the best help we can in this case, doe therefore p^pound the Res^d M^r Reyner vnto the s^d chh, to be by themselves treated withall, as also made choyce off & called to office in case of agreement between them.

Brownes
graunt.

There is graunted to M^r Edmund Browne, his heires & assignes, foreuer, two small p^lcells of meddow, not exceeding twenty acors, lying on the south side of Sudbury bounds, on the north side of the riuier.

Clarke of
Dep^t recomp.

Whereas the clarke of the Howse of Deputies for future time is to beare his owne charges for dyet & lodging, this Court doth therfore order, that from henceforth there shalbe allowed him for his salery, dyet, & lodging, the sum of sixteene pounds p^añum, to be payd him yearly by the Treasurer, he giuing in a just acc^o to the audito^r gen^l of all his receipts for petitions, which he is to take in p^t of his affore^sd allowance, & this to be in full for w^euer hath bin heretofore p^mised him by this Court, not only for entring the seuerall orders & acts of this Court, but also for transcribing lres to or fr^o forraigne places, as also to p^fect the p^sent booke wth all the orders of the former yeares since it began.

[*437.]

Springfeilds
returne.

*We whose names are subscribed, being appoynted to deuide the lands at Naotucke into two planta^cions, haue accordingly graunted to them that now first appeared to remoue thither to plant themselves on the west side of the Riuier Conectecott, as they desired, & haue layd out their lands, viz^t, from the little meddow aboue their plantati^o, which meddow is called Capawonke or Mattaomett, downe to the head of the ffalls which are below them, reserving the lands on the east side of the s^d riuier for an other plantati^o.

Yo^r humble servants,

JOH: PINCHON,
ELIZUR HOLYOKE,
SAMUELL CHAPIN.

This returne was approued of by the Court.

Munings al-
lowance.

It is ordred by this Court, that Georg Munings be allowed ten shilling⁶ a weeke for keeping of Daniel Gunn, & he to acc^o wth the audito^r, who shall signe him a bill for payment of it to the Treasurer out of the next country leuy.

Vintners peti-
tion.

Lieut Hudson & Euan Thomas hauing bin fined for selling beere aboue two pence the quart, & also fforfeited bonds for appearance at the Court of

Assistance to answer the same, this Court, vpon their pe^t, thinkes meet to remitt their bonds, but se no cause to take off their ffines. 1654.

It is ordred by this Court, that Cap^t Harding, Leiu^t Morice, Henry Cowes, Francis Bowers, Richard Marjoram be releast of their bonds to this Court for their continuance in this country & sequestration of their estates. 17 October. *Prismens liber tie.*

In answer to a pe^t p^sented from the inhabitant^l of Saco, Cape Porpus, Saco's, & E, & Wells, in reference to the erecting of a p^rson & other charges there, it is ordred, for mutuall peace & good of the s^d townes, that the seuerall townes lyable to this charge about the prison shall for each towne choose one man to se that, on the bringing in of an acc^o of the estates of each towne according therevnto, a just p^portion may be levyed on each towne, to which the deputies for those p^tl doe concurre, & doe p^sent these p^rsons vnder written for y^t worke: for Kettery, Richard Nacy; for Cap^t Porpus, Griffin Montague; for Saco, Rob^t Booth; for Yorke, Abram Prebble; for Wells, Jonathan Thinge, — who are hereby impowred to attend what is just & equall herein, tending to the effecting thereof, & that they shall also take an acc^o of the late Treasurer about the rate of the two late Court^l, and rectefie the same, charging to each towne their due p^portion, according to the custome of the country rates. answer.

In answer to the petition of M^r Rob^t Jordan, in reference to a case depending betweene Johⁿ Ridgway & the s^d Jordan, it is ordred, that the case mentioned in his petition be referred to a due triall at the next County Court at Yorke, be^c this gournment hath not yett bin settled amongst them. Jordans answ.

The returne of M^r Jonas Clarke & M^r Samuel Andrews, concerning the run- 18 October.
inge of the northermost lyne of o^r pattent on the seasid, according to y^e North lyne.
order of the Generall Court. October 18.

*M^r Jonas Clarke & M^r Samuell Andrewes, both well skild in the mathe- [*438.]
matics, having had the com^aund of ships upp^o seuerall voyges, being ap-
poynted to take an observation at the northerly bounds of o^r pattent, vpon the
sea coaste, made this returne, as followes: Our observation, taken the 13th day
of October, the place of o^r last observation, the altitude of the sun was, ac-
cording to observation & o^r best judgm^t, 34^d, 34^{min}; the declination of the
sun, according to calculation in England, 11^d, 39^{min}; the diffrence of longi-
tude betwixt this place & England, according to o^r best judgm^t, is 63^d, which
in time makes foure howres & one fifth p^t of an howre, which adds to o^r
declination 3^{min} & 40 seconds; all which altitude, declination, & meridianall
diffrence, being added together, makes 46^d, 16^{min}, & 10^{sec}, which, being sub-
stracted from 90^d, gaue vs to be then in north latitude 43^d, 43 min, & 20

1654.

18 October.

seē, which was 8 seconds to the northward of o^r latitude giuen, which we meaſed back agayne vppon a south lynce, & there fell in a very playne place, where were but few trees, but we marked four or fve trees, one of them marked wth MB; & at the sea side where the line doth extend there lyes a grayish rock at highwater marke, cleft in the middle; else, the shore being sand, wthout stones, the line runs oū the *the* northermost poynt of an iland, as we judge, not aboue two or three rod aboue the high water marke. The iland is cald the Vpper Clapboard Iland; about a quarter of a mile from the mayne in Gasco Bay, about four or fve miles to the northward of M^r Makworths howse. To which returne the p^ties aboueſd subscribed their hands; & M^r Clarke being absent, M^r Samuel Andrewes, vppon oath, testified to the truth hereof before the Magistrates in Gen^l Court, as followē: You swere by the liuing God, that the returne you made vnder yo^r hand of the observation you made on the 13th of October on the northerly bounds of o^r patent is true according to the rules of art & yo^r best judgm^t. Taken vppō oath, 19th October, 1654.

19 October.

Castle.

Whereas it did appeare, vppon good information to the Gen^l Court in the yeare 1651, that the cap^t of the Castle, at his owne charge, had purchast for the service of the Castle six murtherers, two boates, & a drum, as also had repayred some cariages, & more was to be done in respect of huttē, to the value of 20^{li} or thereaboutē, in consideration whereof the cap^t of the Castle was to haue allowed him 30^{li} p^a añum, for which he was to keepe the thinges before mentioned in good repayre at his owne prop costs & charges,—now, this Court thinks meete, that the surveyo^r gen^l, M^r Joh Saunders, & M^r Joseph Metcalfē be intreated forthwth to goe *downe to the Castle, & take a survey of those thinges, to se y^t they be in good repayre, according to engagment, & to make returne of what they find to this Court.

[*439.]

The returne of the cōmittee is ā ffollowes: In the first place, we find that the hutts the cap^t built are in good repayre. 2^y. That the cariages that were renewd by the cap^t are now good. 3^y. We saw fower of the six murtherers; the other two were at lowatermark, which his men affirmed were servicable, & if that satisfie not, he will bring them to Boston, if required therevnto. 4th. One of the boates is lost, the other is good. 5^y. The drum is spoyled. Concerning the cap^t, gunners, & garisons allowance, se the orders made in the yeares 1645, 1648, & in the yeare 1651.

Vppon the examination of the accompts of the cap^t of the Castle for all reconinges for sallery & otherwise, vnto the 29th of the 7th moth last, 1654, we find to remayne due to him the sum of 193^{li} 4^s, which sum shalbe by bill

presented to the auditor gen^l, & by him signed, that so the Treasurer may make speedy payment out of the country rate; & whereas it appears that there is a boat lost & a drum spoiled, yet forasmuch as it appears that these losses were not by the capt^l his neglect, & that he hath bin at further charge then he gives acc^o off, y^e Court discharges the capt^l of that loss, & orders the country to beare it.

1654.

19 October.

It is ordered, that Georg Munnings shalbe called to an account about the escape of the prisoner Benjamin Saucer, & do therefore order, that he shall give answer for the same at the next County Court at Boston, vnto whom power is hereby given to deale with him as the meritt of the cause shall require, either by fine, displainge of him, or otherwise, if he give not a satisfactorie answer thereto.

Munnings offence.

Abigaile Elithropp, complayninge of some estate left her by her late deceased husband, which is vnjustly detayned from her, vppon her request, is referd to the next County Court at Ipswich for releife, who haue hereby power to issue y^e same.

Elithrops answer.

The towne of Portsmouth, prefering a petition for settling the bounds betweene Hampton & themselves, the Court think^l meete to referre the issue of the case to commission^{rs}, & to that end haue chosen M^r Joseph Jewett, M^r Thomas Bradbury, & M^r John Saunders, who are hereby impowred to examine the matters in diffrence betweene the townes of Portsmouth & Hampton, as touching the lyne betweene them, & to settle the same in such a way as may by them be judged most meete, vppon a full hearing of what shalbe alleadged in the case, & that they make returne thereof to the next Court of Election, & M^r Joseph Jewett to appoynt the time & place of meeting.

Portsmoth petition.

It is ordred by this Court, that Goodwife Heydon shalbe allowed fifty shillings out of the country rate, for the releif of her distempered child for this yeare.

Heydons giift

*In the case of M^r Edward Godfryes complaynt agaynst the towne of Yorke, about lands, it is ordred, by & wth the consent of the s^d M^r Godfry & M^r Edward Rishworth, on y^e behalfe of the towne, & each p^ticular p^{son} concernd herein, that M^r John Brocke, M^r Valentine Hill, & M^r W^m Worcester shalbe & are hereby appoynted com^{mission}o^{rs} from this Court to here & determine all the differences between the s^d M^r Godfry & the towne of Yorke, & others whom it may concerne, in reference to a meet p^{portion} of land to be allowed the s^d M^r Godfry, accordinge to his demeritt^l, as also for his charg in attendance on this Court; & the s^d commission^{rs} are hereby desired to make a full end of this busines by the last of Aprill, 1655.

[*440.]

Godfrye complaynt.

1654.

19 October.

To the inhabitant[℥] of Yorke: Whereas M^r Edward Godfry hath complayned to this Court of vnkind; if not vnjust dealing he hath mett with amongst you, in reference to a meete pportion of land; suteables to his endeouours, charges, & claymes, that we might put a convenient & comfortable issue to this diffrenc betweene you, we haue commissioned, wth both yo^r consents, M^r Worster, M^r Brock, & M^r Hill to here & determine the case before the end of Aprill next, & doe desire & expect y^t you will readily attend such conclusions, & pvent any further cas[^] complainyt on his p^t, which seemes not to haue bin wthout a cause.

M^r Bradstr.
land, &c.

Hatevill Nutter & Thomas Caney, being appoynted to lay out one thousand acors of land for M^r Bradstreet & Cap^t Wiggan, vpon the northeast side of the great riuer at Nethewonake, haue layd out the same, the most p^t swamp, as they suppose, out of all towne bounds & proprieties, viz^t, 12 furlong[℥] by the riuers side, the riuer being the bounds on the southeast side, & so to run vp into the woods vpon a northeast lyne from the sd riuer, eyght furlong[℥] & 14 pole vppon each side of the lott which is so marked & bounded by them, & there names hereto subscribed.

Saunders case.

This Court, hauing pvsed the seuerall testimonyes brought in agaynst Edward Saunders, of Watertowne, for abusing the body of Ruth Parsons, doe not find him guilty of death, but justly deserueing a high & seuerer sensure, & doe therefor judge meet, that he shall be seuerely whipt, first, in Boston, 2^{ty}, in Watertowne, at some publicke meetinge, not exceeding 30 stripes at a time, & also y^t he shall henceforth weare a rope about his neck openly, to be seene hanging downe two foot long, to contynue dureing y^e Courts pleasure; & if he be found about forty rod from his howse wthout such a rope, then for euery such offence to be whipt agayne before the three commiss^{ers} of y^t towne, by the cunstable, in manner before exprest.

[*441.]

Indians answ.

*An Indian, p^ferring a p^et to this Court, for Tompsons Island, is referd for answer to a course of law in a Court of justice.

Christopher Auery, being fined 20^{li}, at Ipswich Court, for liuing from his wife, vppon his p^et to this Court, being aged & poore, & having vsed meanes to p^cure his wife hither, his fine is remitted.

The towne of Concord, desireing a tract of land for their better accomodation, are to returne to this Court what quantitie of land yet remaynes vndisposed of, which they desire, & then this Court will giue further answer to their p^et.

Cheynes case.

Whereas there hath bin a suit in law depending between John Cheney, of Newbery, guardian to Abiel Saddler, & Isaacke Boswell, of Salsbury, about

the title of an inheritance w^{ch} somtimes was Mr Christopher Batt℄, lying & being in the town of Salsbury, the s̄d John Cheny by these p̄sents doth aquite & discharge the s̄d Isaacke Boswell from all suit℄ & demaunds for the time past, & for the time to come doth engage & p̄mise neuer to sue or molest the s̄d Isaacke Boswell about this busines. This was acknowledged in Court & subscribed by John Cheny, (17: 9, 1654.) Vppon this agreement the Court confirmed the estate of the howse & land to Isaacke Boswell afforēsd.

1654.

19 October.

In obedience to the Gen^{ll} Courts order, we, whose names are heretō subscribed, haue viewed the line concluded by Salsbury & Hauerill, to deuide the land between them, & we find that, as it is exprest in the p̄t℄, there is a great mistak in the first runing of the lyne: this is acknowledged by both p̄ties, for he y^t carried the compas at the first, from the place concluded on, from Merimack Riuer, about one mile & a quarter, to a stump of a pipestaue tree, he s̄d he had run north west, which moued the men chose by Hauerill to yeeld to Newbery one poynt more; but we haue gon northwest from the place on Merimacke Riuer formerly concluded on, & we find that northwest goeth a quarter of a mile in a mile neere to Haverill then the lyne first run; so we find y^t northwest is as much as, according to the true vnderstanding of their first agreement, doth yeeld vnto Salsbury; & if the line north west & by west should stand, a great p̄t of the meddow lying on y^t quarter would be cut off from Hauerill, to their great p̄judice; & the not knowing of that mistake made them yeeld one poynt more. We think it℄ just between them both that a northwest line part the land betwixt them; & if any of the meddow layd out by Hauerill shalbe taken from them hereby, that those meddowes shall remayne to Haverill, or to those to whom it is layd out. Further, we thinke y^t Salsbury should haue libertie ouer Hauerill Commons, if the swamp stop the way, & the s̄d way to be forty rod broad.

Towne bounds,
Salsbury &
Haverhill
bounds.

HEN: SHORT,
JOSEPH JEWET,
JOH: STEUENS.

The Court accept of the returne of these com̄ission^{rs} appoynted to lay out these bounds affor̄sd.

*Whereas Showanan, sagamor of Nashaway, is lately dead, & an other is now suddainly to be chosen in his roome, they being a great people, who haue submitted to this jurisdiction, this Court doth order, that Mr Increase Nowell & Mr Elliott be sent vnto them to direct them in their choyce, their eyes being vppon 2 or 3 which are of the bloud, one whereof is a very debaust, drunken

[*442.]

Sagamor.
Sagamor dead.

1654.

19 October.

fellow, & no friend to the English; another of them is very hopefull to learne the thing℥ of Christ; if, therefore, these gen^t may, by way of pswasion or counsell, not by compulsion, p^rvaile wth them for the choyce of such a one as may be most fitt, it would be a good service to the country.

Astwoods estate.

We, whose names are hereto subscribed, being appoynted by the Court to examine the acc^o referring to the estate of M^r James Astwood, deceased, & to make returne of o^r thoughts therein concerning that p^t of the estate that by law is due to y^e widdow of the s^d James, deceased, which is the third p^t of the howses & lands, for terme of life, find —

That according to the value the s^d howses & lands were sould for, being 225^{li} 4^s 1^d o^b, her p^oportion, being allowed after the rate of 5 p cent, & accounted as contynued the terme of seuen yeares, amount℥ to 26^{li} 7^s 4^d.

Her receipts.

By vertue of a Court order, d^d to her by the administrato^r, 23^{li} 5^s 8^d.

And more in seuerall goods taken by the s^d widdow without the knowledge of the administrato^r, as is testefied vnder the hands of M^r Stodder & M^r Tyng, sum of 20^{li} 16^s 6^d.

So that it appeares that the widdow hath re^cd of the estate more then her p^oportion, the sume of 17^{li} 14^s 10. And whereas, in regard of due order, shee should haue re^cd her p^t aⁿnually, & but for terme of life only, she hath caried already this whole sume out of the country.

Wherefore wee conceiue that the remaynder of the whole estate shalbe free from all clayme, demaund, or tyle bye y^e s^d widdow, or by any in her behalfe to be made, & therefore we judge it requisite that legall assureance be made to the purchasers of the s^d howses & lands which were the estate of the s^d M^r Astwood, according to the contract made betwixt the administrato^r & the purchasers.

ELIAZUR LUSHER,
BRIAN PENDLTON.

The Court, hauing p^rvsed the returne of this co^mittee in reference to the p^ticulers aboue mentioned, approue of the same as it is here inroled.

Wattens estate.

Its ordred by this Court, that Cap^t Brian Pendleton shall haue the administration of the estate of Joh Watten, deceased, & that a true & p^rfect inventory of the s^d estat be taken by him & rendred to the Court, that some course may be further taken for the releife of his widdow, as this Court shall hereafter judg meete, & y^t he make returne thereof to the next Gen^l Court.

In answer to a p^et, p^rferd by M^r Rawson, for land, in reference to his

journey to the eastward, this Court graunts him two hundred acors vppon
 *Chochichowicke Riuer, aboue Douer bounds, not graunted to any others,
 pvided that Cap^t Pendleton be joyned wth Peter Coffin in laying out the
 same.

1654.

19 October.
 Secritarys
 graunt.

[*443.]

Pikes case.

In the case respectinge Lieu^t Pike, & the petitiono^{rs} on his behalfe, the
 committee employed to examine their seuerall answers haue made a returne of
 those psons which haue not giuen satisfaction, whose names are herevader
 written: of Newbery, Joh Emery, Senio^r, John Hull, John Bishopp, Benjamin
 Sweet, Daniel Thurston, Junio^r, Joseph Plumer, Daniel Cheney, John Will-
 cutt; of Hampton, Christopher Hussey, John Sanburne; of Salisbury, Samuel
 Hallis, Phillip Challice, Joseph Fletcher, Samuel Gethoths, Andrew Greley,
 George Martin. The Court doth order, that these psons aboue mentioned
 shall be sumoned by warrent from the clarkes of the seuerall County Court^{es}
 to which they belonge, & to giue bond, to the value of 10^{li} a man, to giue
 answer for their sefall offences before the sd County Courts, who shall haue
 full power to issue the same as they, in their wisdoms, shall judge most
 meete.

Nathaniel Boulter, playn^t, pferd a p^et for the hearinge of a case depend- Bolters case.
 ing betwixt the sd Boulter & Rob^t Lord, deffend^t; M^r Thomas Macey enga-
 ging himselfe for the payment of fīue pounds, for the charge of the Court. The
 Court, on a hearing of the case, did find for the playn^t.

It is ordred by this Court & the authoritie thereof, that Major Gen^l Gib- Castle commit-
 bons, Cap^t Atherton, Cap^t Sauage, & Cap^t Clarke are hereby deputed & em- tee.
 powred to be a committee, furnished wth full powre to treat wth & conclude
 with Cap^t Dauenport; or, in case he concurr not, with any other man whom
 they, or any three of them, shall judge meete for that place & trust, to be
 cap^t at o^r Castle, & to attend the service therein required by law. & the
 sd cap^t shall hire fower fitt men to be the garison there, & to pay the sd soul-
 diers, pvided the whole sūme for salery for the cap^t & garison exceed not one
 hundred & fifty pounds, & to make their returne to the next Court of
 Election.

It was put to the question, whether the country shalbe lyable to defray Souldiers pay.
 the charg of such souldiers as were vnder the late press & not imployd in
 service. It was resolued in the negatiue.

The Court, being sensible of the great charge of the country, & therefore not Rate agment-
 willing to press vppon them vnles in case of necessitie, to defray such just ed.
 debts as they know not how to avoyd, doe therefore order, that the Treasurer
 shall send forth his warrents to all townes for a quarter p^t of the aⁿual leuy,
 for defraying the expence of y^e late expedition.

1654.

11 November.

[*444.]

Major Sedgwick.

*To Major Gen^l Robt Sedgwick.

It is ordered, that Benjamin Saucer, the blasphemer that made his escape out of the prison, shall, & hereby is, demanded of the s^d Major Sedgwick, commander in chefe of this fleet, desireing him to send vp the s^d Saucer, & order his deliuey to the prison keeper, from whence he made his escape. By the Gen^l Court, 11, 9: 54.

Castle pay.

Whereas this Court, in May last, ordred & appoynted each souldier of seuerall of the townes wthin this jurisdiction to pay fower shilling^l six pence, in lieu of fower trayninge dayes, towards the repayre of the Castle, as in y^t order more fully appeares; this Court finding that worke to be much vnder delay for want of some meete pson for the gatheringe thereof, or, vppon refusall of payment, to leiuue the same by distresse, it is therefore ordered by the authoritie of this Court, that the cunstable of euery such towne where the souldiers are to pay, shall, & hereby are, impowered & required forthwith to demand & re^c of euery such souldier in such company the s^d sume of fowre shilling^l six pence; &, on refusall or neglect, to leuie the same by distresse, as in other cases; & they are hereby required speedily to send in what they shall receiue vnto Boston, & deliuer it vnto Major Gen^l Edward Gibbons & Cap^t Humphry Atherton, or their assignes, who are appoynted a comittee to order the repayre of the s^d Castle there, with the charg & adventure of such pay as shalbe so sent to Boston, to be allowed out of euery such payment.

Glouc^r ans^r.

The towne of Gloucester, being vnder a fine of five pounds for want of their pportion of match, which they haue now p^cured, vppon their request to this Court, haue their fine remitted & their p^c re^c freely.

Coll. ffcofees.

Whereas diuers elders, who were ouerseers of the colledge, are taken from vs by death, others gone for England, so that there is at this time great need of some other elders to supply their places, this Court doth order & desire M^r John Allen, pastor of Dedham, M^r John Norton, who is now teacher at Boston, M^r Samuel Whiting, & M^r Thomas Cobbett, elders of Lyn, to be ouerseers of the s^d colledge, with the rest of the ouerseers, for the ordring & disposing of such thinges as are requisite for the good & welfare thereof.

Treasurer acc^t.

It is ordred by this Court, that Cap^t Sauage, Cap^t Lusher, & M^r John Wiswall shall be a committee to examine the Treasurers account^l, imediatly after the breaking vp of this Court, so that the account may be published for the cuntries satisfaction.

Comissioⁿ re-
turne
aproued.

This Court, having pvsed & seriously considered the agreement of o^r commissionoⁿ at their last meeting at Hartford, as to the ending of all former diffrences *and offences betwixt this gouernment & the rest of o^r confederates,

[*445.]

doe approue thereof & consent thereto, p^ressing o^r resolution to act accordingly, 1654.
& therfore doe order, that t^hres be sent to the other three Gen^l Courts to cer-
tifie the same.

11 November.

Wine sellers.

Evil of Indians
drinking wine.

Whereas vpon too much experience it is apparent, & also much com-
playned off as a cause of much & just greivance, that the Indians, through the
excessiue & abusiue drinking of wine & strong liquors, are ffrequently ouer-
come & therby guilty of swinish drunknes, which oft times they atayne by
some such of the traders as too much affect & regard their owne profit, this
Court, taking knowledge thereof, & judging it to be o^r duty not only to bear
wittnes ag^t such a sinfull practise amongst the natiues, but also to vse o^r best
endeuours to restrayne the same, doe therefore order, & by the authoritie of
this Court it is enacted, that no maⁿer of pson whatsoever of this jurisdiction,
except such as are in this order expressly named, shall sell, contracte, or
trucke, directly or indirectly, by themselves or others in their behalfe, either
wine or strong liquors of any sort, kind, or name, at any time or vpon any
pretence whatsoever, to any Indian or Indians, vpon forfeiture of the penall
sum of twenty shilling^e p pint to the comon treasury, & accordinge to that
pportion for all quantities more or lesse; & it is further ordred by the
authoritie affore^sd, y^t in the countie of Suffolke, M^r John Wiswall, of Dorches-
ter, & Cap^t Lusher, of Dedham; in the county of Middlesex, Thomas Brooke,
Senio^r, of Concord, & W^m Cowdrey, of Redinge; in Essex, W^m Moodey, of
Newbery, & John Fry, of Andevour; in Norfolke, Roger Shaw, of Hampton,
& Henry Palmer, of Haverill; in Yorkeshire, W^m Pomfrett, of Douer, &
Edmund Littlefeild, of Wells, are hereby empowred & ordred to sell wine of
any sort & strong liquors to the Indians, as to their judgments shall seeme
most meete & necessary for their releife in just & vrgent occasions, & not
otherwise; pvided, that the sd psons so impowred, nor any their assignes, shall
sell or deliuer to any one Indian more then one pint at any one time, vpon
any p^rtence whatsoever, which psons also so named & empowred as affore^sd
are advised & hereby required so to maⁿage this case wherein they are
intrusted, wth that care, heedfullnes, & diligence, that to the vttmost of their
power this sinfull & offensive abuse may be reformed; also, that no pson
shalbe hereafter empowred & intrusted herein except only such as shall p^rticu-
lerly be allowed of by the Gen^l Court.

Giffards case.

In y^e case betweene M^r Giffard & the vndertakers of y^e iron workes, the
whole Court did, by their vote, declare themselves to confirme the actinges of
the audit^{rs} vpon the accomp^{ts} betweene the sd Giffard & his principalls,
so far as they haue positiuely issued the same, waueing for the p^rsent the
allegations about their covenants.

1654.

Sept. 20, 1654.

20 September.

[*446.]

*At this Court appeared Cap^t Rob^t Keane & M^r Edward Hutchinson, attorney for M^r Josiah Winslow, deputies & attorneys for the vndertakers of the iron workes, playn^t, & M^r Joh Giffard, late agent to the vndertakers of the iron workes, deff^t; & after the Court had heard what the p^rtyes could & did say, the originall atatchm^{ts} were read, & the verdict of the County Court at Boston: therevpon it was put to the question, whether the Court be satisfied y^t M^r Joh Giffard was agent for the vndertakers of the iron workes: it was resolved on y^e affi^r.

It was put to y^e question, whether the Court were satisfied that M^r Joh Giffard was sued, at the last County Court, as agent: it was resolved on the affirmative by the whole Court.

Iron work dis-
putes.

It was also put to the question by the whole Court, whether so much as is or shalbe charged on M^r Joh Giffard, or he chargeth himselfe wthall, in refference to the iron workes, he ought not to discharg himselfe according to orders & instructions frō his princypalls: resolved on the affirmative, he ought.

4th. Whether the atatchm^t, not distinguishing Joh Giffard vnder the terme of agent, doe make the playn^t lyable to a non suite, reffering to the action: resolved on the negative.

It was put to the question, whether M^r Belingham & M^r Nowell be capable of voating in the case: resolved on the affirmative.

It was also put to the question, whether this Court, in the case of the vndertakers of the iron workes & M^r Giffard, would so accept of the first audite, as to begin where they left, reserving the playn^t just liberty in poynt of plea for damage in their second action for the defend^t, not following his orders & instructions: it was resolved on the affirmative. P Curiā.

Cap^t Rob^t Keane, p^r, & M^r Joh Giffard, deffend^t, being in Court, & pleading to their case, the Court demaunded of the s^d Giffard that he would show his orders & instructions, to p^rue his owne charges of guifts, expences, &c, which he absolutely refused; & when the Court moued him to giue a p^rticular answer, to ease the colour of deceit, in mowing forty acors of grasse for six cattle only, (if he could,) which he had confessed, he s^d he had answered the audit, & would answer no otherwise; the Court therevpon declared, that then they would examine as they might, & judge accordingly; & after the whole Court had heard what the playntiffs & defend^t could say, & p^rvsed seucrall of the evidences & auditors returne, they p^rceeded as followeth:—

1654.

20 September.

Whereas there is an action of thirteen thowsand pounds vpon account depending in this Court, betwene M^r Josiah Winslow & Cap^t Robt Keane, deputies & attorneyes for the vndertakers of the iron workes, playnt^r, agaynst M^r John Giffard, late agent, defendant, the Court finds that vpon the sayd Giffards p^rsenteing his bookes of accountps in a County Court, by their order, where the action was first comēced, the sd Court refferd the auditing of the sd accounts to certayne select meet psons, who, having spent much time about the same, made a retorne, so far as they had pceeded, but left the consideration of many p^rticulers in M^r Giffards charge, which they wanted evidence to pas, to the value of three thowsand five hundred seenty two pounds sixteen shillings & eleven pence, to the consideration & determination of the Court; but this sum, consisting *of too many p^rticulers for the Court to examine, was agayne refferd, together with the effects of the iron workes, to other audito^{rs}, who, after much time expended about the same, made their retorne, & left the defend^t debtor, vpon the whole, the sume hereafter exprest, agaynst which the playntiffs made some just & considerable objections, which occasioned this Court to enter into a more strict consideration & examination of the whole account, wherein they find many false charges, vaust expences, & guifts, some tons of iron disposed of, which he giues not the iron works credite for, the p^rfit of the farme, &c, which he made vse of for himselfe, not brought to accounts, together with diuers other improbable disbursments put vpon account. The Court also find that the last audito^{rs} had respect only to the accounp^t as they stood in the bookes, without reference to the deffend^ts orders or com^rmissiō, & so issued the same in an arbitrary way, & much of it wthout proffe, which this Court could not allow off; but after much time spent in the case, finding the acc^o intricate, & very many of the p^rticulers contaynd in fowre papers left by the first auditors to the determination of the Court, to the valu of three thowsand five hundred seenty two pounds sixteen shillings & eleuen pence, very doubtfull & suspicious, the playntiffs also objecting ag^t the whole, as being done without order, & the deffend^t refusing to show his orders or com^rission for the same, the Court judged it meet that the deffend^t should be allowed two thowsand & five hundred pounds out of the fowre paps, & that execution issue out from this Court for the playntiffs for the rest, together with the eyght hundred & odd pounds exprest in the foot of the audite, leaving the defend^t to his liberty, by due proffe according to his orders & instructions, to proue what he may or can more, the defend^ts payinge the workmens wages, & giuing securitie for the same.

[*447.]

Its ordered, that the second action for breach of covenant, &c, in reffer-

1654.

29 September.

ence to M^r Joh Giffard, in the case of the iron workes, be referd to the next Gen^l Court, in May.

It is ordred, that M^r Nowell, Cap^t Atherton, Cap^t Clarke, Cap^t Lusher, & M^r Edw: Jackson be a comitte to advise with some of the elders in cases of blasphemy, rape, &c, & to draw vpp some lawes to p^sent to the next Court in the case.

About impost.

Whereas this Court hath layd an impost on wines imported into any p^t of this jurisdiction, as in the title Impost in the first printed booke appeares, & that of late they haue lett to farme the s^d impost to Cap^t W^m Hawthorne, Cap^t Joh Leueritt, Leiu^t W^m Phillips, &c, & that no pson seemes now to be impowred to take the forfeitures that in such cases may be made, it is therefore ordred, that Leiu^t W^m Phillips shall & is hereby impowred, according to that law in reference to the impost, to take all forfeitures that hath bin, shall, or may be made in any p^t of this jurisdiction during the time of their contract, & to appoynt one or more deputyes vnder him in any p^t of this jurisdiction, to demand or re^c any of the s^d imposts, according to law, of any pson or psons whatsoever, & on refusall or nonpayment or entry, according as the law requires, to make seasure, & by suit^l in any Court of this jurisdiction, to recouer his or their full dues, according to law; & this to contynue till the Court take further order.

1655.

[*446^a.]

23 May.

**At a Generall Court of Election, held at Boston, the 23 of the 3 Moth, 1655.*

Chosen: —

John Endicott, Esq^r, Governo^r.Richard Bellingham, Esq^r, Dep^t Governo^r.

Assistants: Increase Nowell, Gen^l,
 Symon Bradstreet, Gen^l,
 Samuel Symonds, Gen^l,
 Cap^t Robert Bridges, Gen^l,
 Cap^t Thomas Wiggan, Gen^l,
 Cap^t Daniel Gookin, Gen^l,
 Majo^r Daniel Denison, Gen^l,
 Majo^r Symon Willard, Gen^l,
 Majo^r Humphrey Atherton, Gen^l.

Symon Bradstreet, Gen^l,
 Majo^r Daniel Denison, Gen^l, } Commission^{rs}.

M^r Richard Russell, Treasurer.

1655.

M^r Edward Rawson, Secretary.

23 May.

Daniel Denison, Esq^r, Major Gen^l.

The names of y^e Deputyes.

Salem: M^r Edm^d Batter.

Charlestown: M^r Rich Russell, Cap^t Francis Norton.

Dorchester: Leiv^t Roger Clapp, M^r Rich Collicott.

Boston: Cap^t Thō Savage, Cap^t Thō Clarke.

Roxbury: M^r Philip Eliott, M^r Edward Denison.

Watertown: M^r Rich Browne, M^r Ephraim Child.

Lyn: M^r Thō Layton, M^r John Fuller.

Cambr: M^r Edward Collins, M^r Rich Jackson.

Ipswich: M^r Joseph Metcalfe, M^r George Giddens.

New-bury: William Titcombe.

Waymouth: James Nash.

Hingham: M^r Jeremiah Houching

Concord: M^r Robt Miriam.

Dedham: Cap^t Eleazer Lusser.

Salsbury: M^r Samuel Hall.

Hampton: Henry Dow.

Rowley: Maximilian Jewet.

Braintree: Cap^t Richard Bracket.

Dover: M^r Valentine Hill.

Woburne: Cap^t Edward Johnson.

Malden: M^r Joseph Hils.

Kitree: M^r John Winkoll.

York: M^r Edward Rushworth.

Cap^t Edward Johnson was chosen Speaker for y^e House of Dep^{ties} for y^e first week of this session.

William Torrey was chosen Clerk to y^e House of Dep^{ties} for this yeare ensuing.

•FORASMUCH as, by a late law, such deputyes as shall accept his choyce to that service doth forfeit 20^s a day for euery dayes default for not attendance on the service of the country, & that the p^sence of the magistrates is more necessary then any deputies, it is ordered, that no magistrate shalbe absent from the Gen^l Court, otherwise then any deputy may be, on p^onalty of 40^s a day, as in the sd law is expressed for deputyes, wthout the consent of both howses.

[*447^s.]

Magist^{rs} to attend y^e Court.

It is ordred by this Court, that who soeuer shalbe chosen Go^vno^r from yeare

Gov^{no}r to reside neere Boston.

1655.

23 May.

to yeare shall, wth the first opportunity, make his abode in Boston, or some adjacent towne or place within fowre or fve miles of Boston, & shall there contynue his abode dureing the tyme of his goũment, that so he may be the more serviceable to the country in gen^l, both in respect of straungers & other wise; & it is further ordered, that either now or next sessions suteable accomodations may be pvided, which may encourage the same for the future, & for p̄sent doe desire the Goũno^r to reside at Boston, or neere therevnto, as much as his owne necessary occasions will pmitt.

Guns to be
mounted.

This Court, considering that there are in many townes severall peeces of ordinance which ly vnmounted, or not suffyciently mounted & fitted wth appurtenances fit for service, also some forts & batteryes that are out of repayre, doe therfore order, that such great guns, forts, or batteryes as the com̄ittees of militia & select men shall se nessessary for the security of the s̄d townes for to mount or repayre, the select men of the s̄d towne are hereby required & impowred for to make & levye on the estate of the s̄d towne, according to pportion of the country rate, which levye shalbe gathered by the constable of the s̄d towne & by them liũitted into the hands of the Treasurer or the constables, if appoynted to be the Treasurer of the s̄d towne, for the vse afforesd.

About salt.

The Generall Court for the Massachusetts^{es}, being sensible of the exigents of the country in respect of salt, haue appoynted M^r Joseph Hills, M^r Edmund Batter, M^r Edward Collins, & Cap^t Thomas Clarke, or any three of them, to be a committee to treat with & agree with any marchant or others that are willing to engage to supply the country with salt, according to the ppositions mentioned in a draught of an order herevnto annexed, or to the like effect, for the benefitt of the country; & to the end it may be the better effected & all occasions of objection *pvented, p̄clamation hereof to be posted on the meeting house dore of Boston, & other publicke places; the committee to meet the 9th of this instant, 1655.

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Salt.

This Court, takeing into consideracō the exigents of the whole country, occasioned by the want & scarcity of salt, not only for the p̄seruing of flesh & other domesticke occasions, but for the reviuieing & vpholding of the fishing trade, which lyes much discouraged & decayed, for redress whereof it is ordered by this Court & authoritie thereof, that M^r Joseph Hills, M^r Edmund Batter, Cap^t Clarke, & M^r Edward Collins be a committee to treat with & compound with any marchant, in the name of this Court, for supplying the country with salt from time to tyme, & to giue & take engagm^t or securitie to the vse of the country & other p̄tyes as to them shall seeme needfull therein, pvided the price no time excede 15^s p hhd for all salt deliuered on

shipboard, not above 16^s p hhd from the store howse for all sould by the hhd at a time, not above 2^s 6^d p bushell for all lesser quantities retayled, and that no country commodity be refused at price current, & that a true acc^t be kept thereof, so that the ouerplus of pfit vppon the retayle (due charges deducted) may be to the vse of the country, and that the agreement be not such as shall pphibite the selling of any salt made wthin this jurisdiction, nor for more then seuen years terme, & that one halfe pt of of the pfitts of all salt imported by any other pson shall by such vndertaker be yearly payd in to the country Treasurer from time to tyme for the benefitt of the country, & the easing of publicke charges; & it is further ordered, that no pson whatsoever shall buy any salt that shalbe imported by any other then such marchant or agent for the country so engaged, on pœnalty or forfeiture of the sume, or the value thereof, one halfe to such agent, the other half to the country; nor shall any pson, on any ptnce whatsoever, any wayes sell or trade any salt to any fisher mā employed in taking or saving of ffish, for exportation, whether at second or 3^d, or any other hand, for more then 2^s 6^d p bushell; nor shall any sell any salt at second or 3^d, or any other hand, as afore^sd, to any other pson, for more then after the rate of 3^s p bushell; nor shall any that trade or sell salt to any man refuse paym^t in any country comoditie *at price current, on pœnalty of forfeiture of the value of all such salt so demaunded & denied, one halfe to the informer, the other halfe to the country; pvided these prises & pœnalties, in this order expressed, extent only to salt imported from forraigne part^l.

1655.

23 May.

[* 449.]

This Court, taking into their consideration the complaynts of seuerall in reference to the abuses comitted by diuers seamen, who, bringinge corne from Conectecott & other places, so measure the same as by experience is found will not yeeld so much, altho pœntly measured agayne, by fowre or fieve p cent, & further, considering the abuse that is in cordinge of wood & measuring of boards, doe therefore order, that it shalbe in the power of the select men of Boston, Charstowne, & Salem, & such townes within this jurisdiction as shall se cause so to doe, to appoynt one, two, or more, as need shall require, who shalbe sworne faythfully & vprightly to measure such corne, boards, or wood as they shalbe called vnto, & that no man shalbe forced to receiue such corne, wood, or boards, except they agree thereto, but such as is measured by such pson or psons so appoynted & sworne, the ptyes receiuing the corne, boards, or wood to pay for the measuring thereof.

Corne & boards
to be measured.

For pvention & redress of many misdemeano^{rs} & cvill practizes daylie increasinge, to the dishon^r of God and dammage of the country, it is ordred by this Court & the authoritie thereof, that there shalbe a howse of correction pvided in each county at the counties charge, to be settled, ordered, &

House of correction.

1655.

23 May.
Bridges.

improved as the Magistrates in each County Court or Court of Assistants shall agree & direct vnto; vntill this Court take further order therein.

This Court considering that bridges in country highwayes are for the benefit of the country in generall, & that it may be very vnequall to lay the charge for such services on pticular townes, it is therefore ordered that, from time to tyme, vppon information or complaynt to each County Court of any necessitie or neglect in such cases, the Court shall appoynt a comittee to view, consider, & determine the same, & that the charges shalbe pportioned by the Magistrates in each County Court, to be levyed vppon the seuerall townes in each county according to the direction of the law for the country rates vpon the estate in each county; & the law made in the yeare 1648, that layes the charg of bridges on pticular townes, is hereby repealed.

Porters pay.

[*450.]

There being a very great abuse in the townes of Boston & Charlestowne by reason of such psons *who take vpon them the name & imployment of porters, who many times require & exact aboue that which is just & righteous for their labors, for the redress hereof it is ordered by this Court, that from henceforth the select men of the sd townes, from time to tyme, shall haue power to regulate in this case, & to state their wages as in their vnderstanding shalbe most just & equall, & also what psons shalbe imployd therein.

Bridges.

This Court having ordered that all bridges in country highwayes, as need shalbe, shall, from time to time, be made & mayntayned by each county in which they are, & that the bridge at Naponsit Riuer is wholly ruined, & that there is, as is aleaged, a necessity of a cart bridge ouer that riuer in some place neere Mr Stoughtons mill, which, if deferred, cannot be made vp before winter, which, if it should not be, would be very dangerous to man & beast, it is therefore ordered, that Cap^t Lusher, Cap^t Savage, Mr Collicott, Mr W^m Parkes, Thomas Dyer, & Deacon Bass, or the majo^r pt of them, are appoynted a committee to consider & determine whether to erect a bridge there, & if so, then to agree with workmen for the same, & to returne the same to the next County Court, who shall pportion the charg according to law.

The towne of Lyn, preferring a petition for reliefe in respect of their bridg, are referd for answer to the law before goeing.

About strangers.

There being complaynt made to this Court of very great charg arising to seuerall townes by reason of strangers pressing in without the consent & approbation of the inhabitant^l, & no law to pvent the same, this Court doth therefore order, that henceforth all townes in this jurisdiction shall haue libertie to pvent the coming in of such as come from other parts or places of theise jurisdictions, & that all such psons as shalbe brought into any such towne without the consent & allowance of the prudentiall men, shall not be chargeable

to the townes where they dwell, but, if necessitie require, shalbe releined & mayntayned by those that were the cause of their coming in, of whom y^e towne or select men are hereby empowred to require securitie at their entrance, or else forbid them entertainment.

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23 May.

This Court, considering the vrgent occasions of the country respecting Lyn bridge. the bridg at Lyn, doe order, that M^r Edm^d Batter, M^r Georg Gittins, M^r Joseph Jewet, & M^r Thō Layton are a comitteē forthwith to consider & carry on the compleating of the sd bridge, & the next County Court to pportion the charge to the townes in y^t county, according to the law made this p^sent session.

*A question being moued, whether the regiment of Essex or Suffolke [*451.] were to be exercised this yeare, it was determined by the Courte, that only Essex was to meete. Essex to exercise.

Thomas Kembel, of Charls Towne, p^fering a petition for an order from this Court respecting an estate, now in his hands, of M^r Robt Rich, his master, & about the accounts betwixt them, rec^d this answer: that, vntill he be sued here by his sd master, or his attorney, who can best satisfie the truth of the account^l, & who hath power to accept of them & to giue him a discharg, he should rest satisfied, or else he is left to sue his m^r, Rich, in England. Kembels answer.

M^r John Alcocke, p^ferring a petition for the laying out of seuerall p^lcells of land, as in his petition is exprest, receiued this answer: that the Court, being satisfiēd in the conuayances of M^r John Norris for 400 acors of land, & of the 242 acors of the 4000 acors graunted to Roxbury, & also of M^r Palsgraues disposing of the 200 acors of land to his wife, & of the petitiono^rs right therevnto by a f^ree of attorney, vnder the hand & seale of M^{rs} Anna Palsgraue, doe order, that eyght hundred forty two acors of land be layd out vnto the petitiono^rs, as is desired, by Ensigne John Sherman, with this pviso, that no just clayme of any other children of the father of the petition^r, if any, be *be* thereby impayred vnto the two p^lcells of fowre hundred & 242 acors of land in this petition expressed. Alcocks answer.

In the case between Elias Parkman, playn^t, & Cap^t Daniel Gookin, defend^t, in reference to the sd Parkmans voyge to Virginia, the Court, vppon a hearing of the case, do judg, that, although there were fūe psons, old & young, shipt aboard the sd Parkman by the defend^t, yet, in regard two of them were very young, that he should be allowed for transporting of three psons & halfe only the sume of seuen pounds, & for a p^lcell of goods which he caryed twenty shillings, of which we find payd in a p^lcell of tobacco 4¹¹ 10^s, but nothing due to the playn^t for the fowre thousand of bread which was Parkmans case.

1655. shipt vppon another vessell; as also doe find for the playnt 3^{li} 10^s dammages, & graunt him costs.

23 May.
Country gifts.

There being information giuen to this Court, some gratuities giuen to this country by some in England are yet vndisposd of, remayning dormant, this Court doth order, that the deputyes of the sefall townes enquire into this busines, to find out what may be justly due to the country, either in this or any other way, & make returne of what they find to the next session of this Court.

[*452.]
Ipswich & Boston case.

*Forasmuch as, notwithstanding the meanes formerly vsed for the composing the matters in diffrence respectinge the case of M^r Norton & the church of Ipswich haue been ineffectuall for that end & purpose, this Court, being willing, if possible, to put an issue therevnto, vppon serious consideration, can thinke of no better expedient then to call a councell of the elders & messengers of chhs to help in this case, & doe therefore order & desire, that the chhs of Roxbury, Dorchester, Brauntry, Dedham, Charls Towne, Cambridg, Watertowne, Sudbury, Salem, Lyn, Rowly, & Newbery doe each of them send two messengers, to meet at Ipswich on the second Tuesday in June, to consider & advise in the pmisses, & to endeavour to compose & settle the distractions at Ipswich, & to giue their judgm^t in the case between the 2 chhs, whereby M^r Nortons way may be cleared, & the obstructions which hath or may hinder a comfortable issue of this long diffrence may be removed; & to pvent delayes, it is expected & desired, that the chh of Ipswich & the chh of Boston, by their messengers & all psons concernd, giue this councell, at the time & place afforesd, the oportunitie of meetinge with them to declare what shall concerne themselves, or the councell se cause to enquire of them in reference to this busines. And we haue desired o^r hono^{rl} Go^uno^r, M^r Bradstreet, M^r Russell, & Cap^t Johnson to be p^sent at the sd meetinge, to pvent any inconvenience, & more p^ticularly to impart o^r desires & intent^l, if need require; & it is ordred, that M^r Rob^t Payne shall take care for the entertaynement of the sd councell & all psons concernd therein, which shalbe satisfied by the Treasurer. And it is further ordred, that the sd councell shall haue liberty to adjourne to some other place, if they shall see cause.

Nantuck answer.

At the request of the inhabitants of Nonotucke, W^m Loulton, Thomas Bascom, & Edward Elmer are appoynted to end small causes there, who are ordred to repayre to Springfield com^{is}siono^{rs}, who are hereby impowred to giue them their oaths accordinge to law, & also to giue Rob^t Bartlet the oath of a cunstable, being cald to that office there.

Cap^t Wiggans answer.

Cap^t Wiggan, havinge bin imployd by the Gen^l Court, wth other gen^l, to bring in the easterne plantations, as a gratuite in respect of his service, hath

the graunt of two hundred acors of land vppon the riuer that leads vp to Cochechawicke, to be layd out by Edward Starbucke, Hatevill Nutter, & Mr Edward Rishworth, or any two of them, & Cap^t Wiggan to be at the cost. 1655.
23 May.

In the case of Cap^t Keane & M^r Josiah Winslow, playntiffs, & M^r John Giffard, defend^t, for breach of couenants, refferd to this Court, the playn^t not appearing, the Court doe declare the playn^t to be nonsuited. Giffards case.

*Seuerall of the inhabitants of Cambridge, liueinge remote from the towne, preferinge a petition to become a village or a towneshipp, the case is referd to a comitte^e, viz^t, Cap^t Lusher, Cap^t Johnson, M^r Nowell, & M^r Russell, who are hereby appoynted to heare what the petitiono^rs, as also the chh of Cambridge, shall aledge either for the graunting or waueing their ppositions, & to make returne to the next session of this Court of their apphensions herein, vnles the chh of Cambridge & the petition^rs come to some settlement in the meane time, vnto whom the petition^rs should first aply themselves for releife. [*453.]
Cambridge vil-
lage.

In answer to the petition of John Ridgaway in respect of the case depending betweene him & M^r Jordan, the Court thinkes meete, that M^r Jordan haue libtie to try his action for that p^ticular case expressed in the answer to M^r Jordans petition the last Gen^l Court, p^rvided he pceede to triall at the next County Court for that county; otherwise this petitiono^r to haue libtie to pceede wth his action in Middlesex Court, else not; & further doe order that no advantage should be taken agaynst the petitiono^r in reference to what hath already past at Cambridge Court in this case. Ridgwayes
case.

In answer to the p^et of M^r Henry Woolcott, of Winsor, respectinge the case betweene him & Nicholas White, about the sale of a pcell of land, the Court judges meet, that an order be made for the suspending of all pceedings about the thirty pounds seven shillings mentioned in his petition, & that it remayne (in statu quo prius) as before the execution leuyed, expressed in the petition, vntill the petitiono^r may haue optunyty, either joyntly with Nicholas White, or in the name & right of the s^d White, though his consent should be wantinge, that the petition^r, either by himselfe or his attorney, may haue optunitie to try or review his action as afforesd, for the clearing of the tytle of the land sould by the petition^r to the s^d White, in the County Court to be held at Boston, in the 5th or 8th moth next. And if the land shalbe recouered of M^r Hutchinson for the s^d White, then the bill for the 30^{li} 7^s to be null, without more impleadinge of White; as also that then the Magistrates shall determine all damage respecting M^r Woolcott & Nicholas White, in reference to all former pceedings by their impleadinge of each other. Woolcotts
answ.

In answer to a p^et p^rsented by diuers of the inhabitants of Sudbury, respecting some diffrences falne out amongst them, it is ordred, that Majo^r Sudbury ans.

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Willard, Ensigne John Sherman, & M^r Thomas Danforth, are & shalbe a *committee with full power & authoritie to heare & determine all the differences between all or any the inhabitants of Sudbury, in reference to what is mentioned in their petition.

Comission^{rs}
about o^r line.

In answer to a motion from the Generall Court of Plymouth, it is ordred, that W^m Torrey & Cap^t Richard Brackett are appoynted by this Court to appoynt both time & place for the meeting with such commission^{rs} as shalbe chosen by the Gen^l Court of New Plymouth, & joyne with them in laying out that marsh lying at Conahassett, belonging to this jurisdiction, according to the former agreement between the commission^{rs} of this jurisdiction & New Plymouth, as thereby may appeare, & so to make returne to y^e next Court.

Capt. Leueritts
case.

The Court hauing heard the charge ag^t Cap^t John Leuerett, & his answer therevnto, in reference to the Dutch shipp called the Profit Samuel, of Amsterdam, & vpon serious consideration doe judge that such actings, wthout the consent of a thoritie here established, is a confronting of this go^ument, & tends highly to the infringing of o^r libtie, discouraginge of trade, & destructive to o^r comfortable beinge here, if pmitted or coniuied at, and therefore cannot but approue of the pceedings of the councell in this case, & their just & due care to vphold the authoritie of this common wealth, wth the liberties & priuiledges thereof; but forasmuch as the s^d Cap^t Leuerett doth solemnly p^{ro}fess his fidelitie to this go^ument, & the due honour that he beares therevnto, & that, had he foreseene his acting^e & pceeding^e would haue bin offensiue, he would wholly haue forborne the same, — vpon these & the like considerations the Court is not willing to heighten his censure pportionable to the demeritt of his offence, but shall onely adjudge a graue & serious admonition to be giuen him by the Go^uno^r, in the name of this Court, hopinge that this o^r lenitie will be so improued by him as may deserue the further fauour of this Court.

Yorke Courts.

M^r Bellingham, M^r Symonds, & Cap^t Wiggan, & any two of them, are hereby appoynted, with the associates for the county of Yorkshire, to keepe the next County Court at Yorke, at the appoynted time; & the gen^l aboue expressed, with the s^d associates, haue hereby graunted them the same comission in all respects as formerly was graunted by this Court to M^r Bradstreete & M^r Symonds, &c, in reference to Kittery, Yorke, &c, & they are hereby impowred to act accordingly as they shall judge meete in sending warrants to all psons not yet subjected to this gouernment, that are inhabiting wthin the northerly lyne of o^r pattent, so far as it is extended, & to take them vnder this gouernment, &c, & to make their returne to the next Gen^l Court, & the same magis^{tr} are desired to keepe Court at Douer.

Their power.

*Edward Breckes being fined 4^{li} for not serving in the office of constable, & p̄fering a petition for the abatment of it, the Court saw no reason to graunt it.

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23 May.

[*455.]

Breckes answ.

Scotsmens
answ.

In answer to the petition & seuerall Scotsmen who desire to be freed from their masters, the Court, seeing no prooffe nor p̄bability of what they affirme, se no reason to graunt their requests.

In answer to the p̄t of M^r Samu^ll & M^r Deane Winthrop on his brother Samuells behalfe, for one third p̄t of the 200^{li} giuen Joshua Winthrop, the orphan, the Court orders, that he be satisfied by the Treasurer in such pay as the country affords the 3^d p̄t of two hundred pounds due vnto M^r Samuel Winthrop, p̄vided he haue & shew forth a sufficyent powre, by tre of atturney or otherwise, to receiue & giue discharg for the same.

M^r Winthrop
answ.

Att the request of the deputyes of Salisbury & Hamptō, M^r Symonds is appoynted to joyne wth Cap^t Wiggans to keepe the County Courts at Norfolke.

Seuerall of the inhabitants of Salisbury p̄fering a petition to hinder the setting vp of the fflotbridge upō Merimacke, which the Court saw no reason to graunt, but did order, that the bridge should be lett fly in the moneth of September, that the petition^{rs} may haue due time to transport their hay without any lett or hindrance, & dureing that time Georg Carr is to keep a sufficient fferry boat on that side.

Salisbury answ.

In the case between Cap^t Rob^t Keane, playn^r, & cōmiss^{rs} for the vnder-takers of the iron workes, & M^r Rob^t Knight, deffend^t, the Court doe judge, that the playn^r is nonsuited in regard he refused to giue securitie according to law, to be responsall in case the deffend^t should recouer ag^t him, but declared that he would rather yeeld vpp his cōmission then so doe.

Iron workes.

The retorne of Majo^r Symon Willard, M^r Edward Jackson, & Thomas Danforth, cōmission^{rs} appoynted by the Gen^l Court, the 4th of May, 1654, in reference to the p̄t of the select men of the towne of Watertowne, & Christopher Graunt, wth others of the inhabitant^l, &c, to here, consider & determine all differences between the s^d p̄ties, the afore^sd cōmission^{rs}, in order to theire cōmission, mett the 9th of Fe^b, 1654, before whom the fore^sd petition^{rs} appeared, & declared theire respectiue greiuances concerning diuers graunts & allotm^{ts} sundry yeares past made in their towne, the p̄ticulars whereof were, by a joynt consent of both p̄tyes, referred to these 4 heads, viz^t: 1. Plowland; 2. Land in lieu of townshipp; 3. Remote meddowes; 4. Farmes. The afore^sd cōmission^{rs}, having fully heard & examined the complaints of the petition^{rs} touching their se^uall iⁿrests & wrongs *in all the afore^sd lands, doe hereby declare their determinatiō for the regulating each

Watertown
ca^{se}.

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seuerall deuision as they are vnder the aboue named denominations, in manner as followeth: —

1. For the plowland, & psons intressed therein, it appeares to y^e comission^{rs} that the deuision of land was, diuers years past, graunted & lotted out by the consent of the towne; & that the most pt thereof (if not all) haue bin already measured out, although diuers of the pprietors therein haue now lost their bounds & stakes: the comission^{rs} doe therfore order, that all such pprietors as can proue their bounds by ancient markes, their intrest in such lotts shall remayne good.

2. That what any mans lott shall exceed aboue one eyght pt more then is graunted him in the town records, euery such pson shall purchase it of such pson as wants his due intrest & portion in those lands, & by lott is the nearest of those that want their due to that place, or else shall part wth his ofiplus to him that so wants of his due; pvided, alwayes, such ouerplus shalbe legally proued, & the bounds thereof actually determined, at farthest, wthin two yeares after the confirmation hereof; also it shalbe in the libertie of the p^sent possessors to choose at what end or side of his lott he will retayne his due quantitie, so as he take it together.

3. That so much of the affore^sd plowland as shalbe found vnbounded, or the bounds thereof vncertayne, shall agayne be measured & layd out, with due respect to euery mans lott & quantitie; & in case it fall short, then euery pprietor so fayling of his due shall haue a pportion addition layd to his land & lot that he is to haue in lieu of townshipp, which pportion shalbe two acors in lieu of one y^t he wants of the plow land; & such pson as haue no land land in lieu of townshipp shall come in by lott for allowance, which shalbe made them from the nearest comon land remayning when the land in lieu of township is all layd out, the pportion being three in lieu of one that is wanting of the plow land.

For the land in lieu of townshipp, & psons intrested therein, it appearing to the comission^{rs} that the deuision of land was graunted by the towne, & lotts also drawn vpon it, & that hitherto there hath bin much of it vnlayd out, & that that pt thereof which hath bin measured, the manner thereof is not only contrary to the agreement made when the lotts were drawne, but also very injurious to those y^t are yet behind vnlayd out; in reference thereto, the comission^{rs} doe therefore order, that the measuring & bounding of any pt thereof formerly done, *if any so be, shall hereby be made voyd & null, & euery pson intressed therein shall haue his former quantitie, as is allowed him vpon record in the towne booke, with the addition of w^t he wants for his plow land, (if any happen to be,) measured & layd out to him, in order as they

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fall by lott already drawne, begining at the angle y^t is made at the meeting of the plowland & devidents, only the land shalbe first devided into 4 equall diuisions, according to the first agreement.

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3. For the meddow, & psons intressed therein, it appearing to the comissioners that the graunts of the sefall allotm^{ts} therein haue bin made by the towne, & so farr as they are layd out they haue bin done by a surveyor impowred by the towne; in reference thereto, the comissioners do therefore order, 1. That euery pprietor therein pueing his lott that he holds, layd out & measured by the surveyor, y^t was allowed by the towne, & not exceeding aboue one eyght part aboue his portion to him due *to him* vpon the towne booke, except only such psons as haue sefall lotts layd together, which fell not together by lott, euery such psons intrest therein shall remayne good.

2. Where any shall haue any meddow taken out of his possessiō, either for exces in quantitie or disorderly addition of lotts, euery such pson shall haue libertie to retayne which of his lotts he pleases to haue in that place, & also to choos at what end of the meddow he wilbegin the measure of *of* his due quantitie therein, to be layd out as neere together as the place will pmitt, that so no vnnessessary damag or vnequalitie be put vppon any pson.

3. That such psons as are not able to proue their bounds nor place as afforesd shall haue their respectiue dues measurd out to them of the meddows remaying in common & vndevided, as neere as can be according to the first originall graunt; & for direction herein it is ordred, that John Lawrences meddow shalbe accounted the first poynt or center, & so to pceed in distance from that according to distance in lott^l; pvided alwayed, that when any meddow is orderly entred vppon, it shalbe all layd out before another be begun.

4. For farme land & psons intressed therein, it appearing to the comissioners that their originall graunts, especially of some of them, was neither legall nor equall, neither for places nor quantities, & also that those acts vppon record concerning the same haue bin alwayes disallowed by the town in gen^l, by reason whereof the graunts of all are made uncertayne, respecting both places & quantities; in reference thereto the comissioners doe order,—

1. That euery pson having a farme graunted him vppon record in the towne shall haue a pportionable intrest *according to his number of acors in all that farme land, & that euery pson intressed therein shall draw lott agayne for the same, as well those y^t haue already drawn as those y^t haue not, & the land to be plotted & places certaynly determined where to begin & how to pceed before the lotts be drawne.

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2. That no pson or psons shall comēce an action at law agaynst either the select townsmen or the inhabitants in gen^l, for a devisiō of these farmes, vntill the major p^t of the psons intressed therein shall desire a devisiō thereof, & agree thereto, or the Generall Court shall please to take speciall order therein.

It is also ordred, that all such psons as clayme any intrest in the remote meddowes shall bring in all their evidences, (pueing all the lawfull measuring vnto them,) in writeing, to the commissiō^{rs}, vppon the 20th of this instant, to be examined, vppon penalty of forfeiting all their intrest therein. The commissiō^{rs} doe nominate Deacon Ephraim Child, Deacon Thomas Hastings, Ensigne Joh Sherman, Serg^t Joh Wincoll, & W^m Bassum, or any three of them, a comittee to lay out all these seuerall pcells of land, with due respect to the rules aboue p^mised.

Eyres ans^w.

There being a petition p^rferd by M^r Eires & seuerall others, of Watertowne, about the confirmation of lands formerly graunted them, who are referd for answer to what the commissiō^{rs} haue done in the foregoing returne.

Kybyes ans^w.

In answer to the p^et of Edward Kibby for relief of in respect of a child now in his custody, of Garret Bourn, this Court orders, that the land & howse of the s^d Bournes, now vnder seazure by the country, shalbe disposed of for the child's vse, by the select men of the towne of Boston, provided their power shall not extend to make sale of the same, but the proprietie to remayne to the child.

Porters ans^w.

Grace Porter, of Watertowne, p^rfering a petition for power to make sale of a certayne howse & land left her by her deceased husband, hath her petition graunted, vnles Daniel Smyth, of Watertowne, husband of the daughter of Thō Rogers, mentioned in the petition, shall, at the next session of this Court, shew cause to the contrary, p^rvided that Ensigne Joh Sherman giue notice to Daniel Smyth of the Courts consent herein.

Blouds ans^w.

John Bloud, of Concord, p^rfering a petition for confirmatiō of 400 acors of land bought of M^r Samuel Haugh, the Court, being satisfied that it is layd out according to the graunt, thinke meet to graunt his petition.

[*459.]

*It is ordred, that the secritary shall issue out warrents to the constables of the seuerall townes within this jurisdiction, to send him a true list of all the males within their respectiue townes, from sixteene yeares of age to sixtie, before the first of August next; & if any cunstable shall neglect to make their returne as affore^sd, he shall forfeit fīue pounds to the treasury.

Lords case.

In the case of Robt Lord, playntife, & Nathaniel Boulter, defend^t, the Court, on a hearing of the case, doe find for the playntife.

Whereas Mr William Worster, Mr John Brock, & Mr Valentine Hill were chosen as comissioners by this Court, & invested with full power to heare & determine all matters in difference between the towne of York & Mr Godfry, in relation to the graunts of certayne lands, which accordingly they haue endeavoured to doe, & made their returne to this Court, agaynst which the inhabitants of Yorke haue made some objections respecting the confirmation of vnknowne graunts made by the sd Mr Godfry before the date of their returne, as also the graunt of lands pjudiciall to the towne, which this Court having considered off, doe thinke meet to reinvest the foreſd comissioners with full power, & doe hereby desire them, with all convenient speed, to make review of their returne, & if it may be by consent of all psons engaged to compose the same, to mutuall satisfaction; or if otherwise, to make vse of such their powre to correct or amend what in their vnderstanding, vppon further information, shall appeare to be of evill consequence to the towne, or any pson concerned therein.

1655.

23 May.
Mr Godfrys
case.

The inhabitants of Dedham, pferinge a petition for releife in respect of some affronts offred them by the Indians, as also *as also* some difference in relation to land betweene them, are referred to a course of law for releife in y^t case.

Dedhams
answ.

Mr^{rs} Elinor Hooke pfering a petition to take into her possessiō, & to make sale of, certayne lands belonging to her first husband, at the eastward, hath her petition graunted, viz^t, all such land as doth clearly appeare somtime to be the estate of Cap^t Norton, her sd husband, pvided there be no legall conveyance of the land heretofore made.

Mr^{rs} Hookees
answ.

The afforesd Mr^{rs} Hooke, pfering another petition for the disposing of the estate & lands of her late husband, Mr W^m Hooke, receiued this answer: that the Court thinkes meet to giue her power to make improuement of the estate & lands, & pduce thereof, left her by her sd husband, & to demaund, receiue, & recouer all debts, rents, revenues, & pfitts thereof, for the discharg of just debts & accommodat of her selfe & yongest son, mentioned in the pet, but not to make sale of any land till the Court take further order therein.

*George Parkhurst, pferinge a pet for power to sell a pcell of land at Watertowne, hath his request graunted, pvided that two third pts of the price be left in the hands of Mr Browne for the vse of her two eldest sonnes, to be payd them when they shall come to one & twenty yeares compleate, & in the meane time to be improved for their benefit.

[*460.]
Parkhurst
answ.

Ensigne Jerimiah Howchen, being ensigne to Cap^t Thomas Clarke, vpon his request to this Court, hath liberty to lay down his comission.

Mr Howchin
dismist.

In answer to the petition of Jerimiah Howchen, administrator to the

Mr Hochens
answ.

1655.

23 May.

estate of Edmund Gross, & in behalfe of his widdow & her children, it is ordred, that an inventory of the estate of the sd Gross being truly brought in to the next County Court for Suffolke, the estate shalbe thus devided, that the widdow shall haue one third pt of the whole estate, the eldest son a double portion, & the rest to be devided between the rest of the children, pt & part like.

Indian.

Awussamug, an Indian, pferring a petition for releife in respect of vnjust molestation by Cap^t Keane & M^r Parker, is, for answer, referd to a due course of law.

Returne from
York.

Whereas we, whose names are vnder written, being authorized by the Gen^l Court, in October, 54, to deale in matters in diffrence amongst vs in Yorkshire, about country charges, we not being able to act according to the vtmost extent of o^r order, for want of light, but according to o^r best abillities we haue efected so much as is satisfactory to both pties herein, yet, notwthstanding the pson appoynted for Kettery in this busines refused to apply himselfe to the Courts order, & haue not brought in the valuation of their estates, yet we haue fauourable & fayrly acted for them as for o^rselues, as may appeare by these seuerall sums y^t follow, as we are credibly informed to walk, & in valuation we find these pticulers to be that charge that necessarily arise equally pportioned from the countyes estate: from Kettery, wth that pt of the Ile of Shoales belonging to it, 45^l 15^s 0; Yorke, 17^l 17^s 00; Wells, 13^l 10 00; Cape Porpus, 4^l 8 00; Saco, 10^l 05 00. P nos, Abram Preble, Rob^t Booth, Jonath Thing, & Griffen Montague. This returne was aproued of by the Gen^l Court.

Jenksinventio.

It is ordred by this Court, that Joseph Jenkes, Senio^r, & his assignes only, shall haue liberty graunted to them to make that engine the sd Jenkes hath pposed to this Court for the more speedy cutting of grass for seuen yeares, & that no inhabitant, or other pson within this jurisdictioⁿ, during that time shall make or vse y^t kind of engine without lycence first obtayned from the sd Jenks, on the penalty of fve pounds for euery such engine so made or vsed as afforesd, to be recovered at any Court in this jurisdiction by the sd Joseph Jenkes, Senio^r.

Munings fine.

There being due to the country from Georg Munings fve pounds, & 6^d 13^s 8^d which he hath bin fined by the Courts, vppon his petition this Court doth abate the fve pound, & y^t the other be abated to 4^d, pvided it be forthwth satisfied, & the Court here no more of it.

[*461.]

Capt. Leueritt
restored.

*Whereas Cap^t John Leueritt, for his late actinge in reference to the Dutch shipp, was by this Court censured & suspended the exercise of his office of captayne, &c, whereby *whereby* the liberty & authoritie of this

gouernment is vindicated, which was the intent of that sentence, not the loss of y^e helpe of any vsefull pson, which we are willinge to emproc, & the Court, being well pswaded that the sd Cap^t Leueritt will, according to his pfession & duty, direct his actinges for the future to the aduancement of the welfare & authoritie of this gouernment, haue reversed that pt of his sentence whereby he stands suspended the exercise of his office, & doe hereby restore him to his place, pvided that he giue satisfaction for his bringing in a pay r which he affirmed to be a copie of an old record of this Court.

Christopher Lysie being long since wounded in the Pequot service, & disabled from service for 20 weekes, for which he neuer had any satisfaction, vpon his request to this Court, it is ordred, that he shalbe allowed the som of three pounds. Lysies answ

Robt Turner p^senting a bill of charges for entertayning the councell (employd, by order from this Court, about M^r Nortons case) to the value of 3^{li} 4^s 10^d, his sd bill is allowed, & ordered to be payd by the Treasurer.

In answer to the petition of the inhabitants of Shawshin, for a pcell of land lying vpon Concord Riuer side to the Indian plantation at Pawtucket, this Court thinkes meet to graunt their request, viz^t, the tract of land mentioned in their pe^t, if no former graunt be made to any other, & that the name of the place be called Billicary; & whereas there is a motion made, that the next president may haue a farme of fve hundred acors in this place, the Court doe not consent thereto, as conceiuing it to be very pjudiciall to the plantation, but are willing to graunt it in some other place, where it may be found according to law, pvided the p^sident contynue in that place three yeares. Shawshin
answ

There being a bill of charges (p^sented to this Court) spent at Ipswich, at the meeting of the councell there, about M^r Nortons case, to the value of of 24^{li} 17^s 3^d, which this Court thinkes meet to allow, & doe order it to be payd by the Treasurer in the best pay he can make. Charges al-
lowed.

Seucrall of the inhabitants of Concord p^sfering a petition for the graunt of some land, in answer wherevnto, the Court thinkes meete to graunt them fve thowsand acors in the place mentioned in their pe^t, pvided it hinder not any former graunts. Concord.

Zachariah Fitch & Josiah Dastin, p^sfering a pe^t for the remouing of a high way through their *planting ground, re^c this answer: that the sd highway shall & hereby is suspended from being made vse of for p^sent, & that the first highway formerly layd out shalbe made vse of, & accounted only the country high way, till this Court shall take further order, that so not only Fitchs answ.
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23 May.

1655. pſent contentions & ſuits of law may be pvented, but further oppertunitie of better information be giuen to this Court for the regulating thereof.

23 May.

Mr Edward Rishworth, deputy for the towne of Yorke, vpon his vrgent occasion, is diſmiſt from any further attendance on this Court.

Margerum:answ.

Richard Margerum, pfering a pct for releife, in reſpect of an eſtate, as he affirms, vnjuſtly detayned from him by Mr W^m Browne, of Salem, is referd for recouery of the ſame to a courſe of law in a Court of juſtice.

The depu^{ts} of Salsbury & Hampton, preferring a pct for ſome ſome eaſe, in reſpect of the charg of their County Courts, the fines & actions not defraying the coſts, were answered, that the law had already pvided in this caſe.

Prſidents ſup-
ply.

Mr Charles Chauncey, pſident of the colledg, ſtanding in neede of pſent ſupplies, in reſpect of his neceſſitie the Treasuſer is hereby ordred to diſburſe the ſome of thirty pounds to him, to be repayd him out of the firſt rents of the fferry.

Groaten
graunt.

There beinge a pct pferd by Mr Dean Winthrop, Mr Thō Hinkley, & diuers others for a plantation vpon the riuer that runs from Naſhaway into Merimacke, called Petapawage, & another from ſome of the inhabitants of Concord, for a plantation in the ſame place, to both which the Court returned this anſwer: that the Court thinkes meet to graunt the petition^{rs} eyght miles ſquare, in the place deſired, to make a plantation, which henceforth ſhalbe called Groaten, formerly knowne by the name of Petapawoge, & that Mr Danforth, of Cambridg, wth ſuch others as he ſhall aſſociate to himſelfe, ſhall & hereby is deſired to lay it out wth all convenient ſpeed, y^t ſo no encouragment may be wanting to the petitiono^{rs} for the ſpeedy pcurieng of a godly miniſter amongſt them; pvided, that none ſhall enjoy any pt or portion of the land by giſt from the ſelect men of that place, but ſuch who ſhall build howſes on their lotts ſo giuen them, within eyghtene moneth from the time of the townes laying out, or townes graunt to ſuch pſons; & for the pſent Mr Deane Winthrop, Mr Thomas Hinkley, & Joh Tynker, Dolor Davis, W^m Martin, Mathew Farrington, John Witt, & Tymothy Cooper are appoynted the ſelect men for the ſd towne, for two *yeares from the time it is layd out, to lay out & diſpoſe of p^ticular lotts, not exceeding twenty acors to each howſe lott, & to order the prudentiall affayres of the place; at the end of which time other ſelect men ſhalbe choſen, & appoynted in their roomes, the ſd. ſelect men giueing the ſurveyor ſuch ſatisfaction for his ſervice as they & he ſhall agree.

[*463.]

Timothy Coop being indebted to the country ten pounds, vppon the

forfeiture of a bond in which he stood ingaged for M^r Joh Jarvis, vppon his pe^t to this Court, it is remitted to 20^s. 1655.

Richard Pooley, being committed to p^rson for having a hand in conveying away of Hester Lugg, vppon his request to this Court, may be freed from imprisonment, he giuing in bayle to the value of 20^{li} to the keep of *the p^rson to answer his s^d fact at the next Court of Assistants.

23 May.
Pooley released.

In answer to the pe^t of Edward Saunders, craving the favour of this Court for the leaving of from his necke his sentenced halter, the Court, having re^c some testimony of some good effect his punishment hath pduced, doe graunt his request. Saunders request.

The townes of Hampton & Rowley, preferring a pe^t for & about a high way from M^r Carrs fferry to M^r Clarks farme, are referd for answer till the next session of this Court, & that Newbery deputy giue notice to their towne of the same, that they also may haue liberty to *to* speake in the case. High way.

M^r Joseph Hills, p^rfering a pe^t for the repayment of the some of 13^{li} 6^s 8, being imposed on him as a fine about the case respecting M^r Mathewes, & also of aquiting the church of Maldon of the rest, or y^t the pet^r & Leiut^t Wayt may be forgiuen their offence, & discharged of the two p^rts of the fowre charged on them, re^c this answer: that the Court doth well approue & accept of the petitio^{ns} acknowledgments of their irregular actings in those times, but vnderstanding y^t much, if not most, of the fine being payd for, & y^t the rest is secured, & should long since haue been payd in, the Court doth not thinke meet to graunt the petitiono^{rs} request herein. J. Hills.

At the request of o^r p^rsent honoured Gouverno^r, Joh Endecott, Esq^r, the island called Catta Iland, being about two acors, lying neere to Marble Head, shall & hereby is graunted to him & his heires for e^u, p^rvided it be not giuen to any towne or p^rson already. Catta Island given to Gov^r Endecott.

In answer to the pe^t of Alice Colcord, liberty is graunted her to review any case, according to her desire, & to recouer any thing justly aptayning to her.

Elizabeth Rider, the wife of Thomas Rider, of *Boston, being left by her husband with fve small children to mayntayne, & no meanes wherewith all to keepe them, desireing libertie from this Court to sell a howse & land in Dorchester, which her father, W^m Lane, gaue to her & her children, in answer to her request, it is ordred, that the select men of the towne of Boston shall & haue powre to dispose of y^e s^d howse & land, either by sale, morgage, or otherwise, as they shall judge meet, for the vse of the petitio^r, which this Court doth hereby confirme & allow. Elizabeth Rider. [*464.]

Whereas M^r Nathaniel Edwards, about 18 moth agoe, did suddenly dy

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vppon his returne from Barbados, & y^t an administration was graunted vnto Mr Joseph Hills, of Malden, of the estate of the s^d Mr Edwards, vnto whom for his funerall & otherwise there is something due, as also to Mr Theodor Atkinson, Mr Nathaniel Williams, Mr Broughton, & others, out of the s^d estate, which, if they should be issued by sute of law, might be troublesome to Courts, & shortening the estate, to y^e loss & dammage of the creditors, it is therefore ordred by this Court, that all such debts as affore^sd & otherwise that shalbe made to appeare vnto the Magistrates of Boston or Charlstowne Court, & by them be allowed of, to be truly due out of the estate of y^e s^d Mr Edwards, shalbe satisfied as far as the estate will extend, without sute in law.

Stephen Day, of Cambridg, p^rfering a petition for the recording of 300 acors of land formerly giuen him, as he affirmes will be made good by suffycient testimony, the Court, in answer to his request, thinkes meet to graunt that it shalbe recorded.

Mr W^m Aubery having vsed some reproachfull speeches concerninge the Gen^l Court, it was ordered, that the s^d Aubery should be seuerely reprovded in open Court, & make a publicke acknowledgment of his reproachfull speeches, or be bound to the good behavio^r dureing the Courts pleasure, which he p^rformed accordingly.

In answer to the pe^r of Mr Brian Pendleton, respecting the estate of John Wooton, now in the hands of Mr Tucker, the Court doth order & declare, that he hath full power from this Court the last yeare to act in the p^rmisses, & expected an inventory of the estate to be brought in to this Court accordingly, & therefore expect the petition^r should p^rceede according to an ordinary course of law for the accomplishments of this Courts order in the case.

In answer to the desires of the inhabitants of Shawshin, requesting imūnities & freedoms from all publicke rates & charges at Cambridge, & that all the land at that place, as well those apteyning to the p^rsent inhabitants of Cambridge as those graunted them by the Court, might belong intirelye to y^t place, for the better encouragment & carying on of *publicke charges that will necessarily there fall out, we, whose names are herevnder written, being impowred by the inhabitants of Cambridge, at a publicke meeting of the towne the 29th Jan: 1654, to make such p^rpositions & conclusions therein as to vs might seeme most meete & equall, doe make these followinge p^rpositions, with reference to the compllyance of the aboue named inhabitants of Shawshin, aboue men^od^d, & the approbation of the Gen^l Court for the full conclusion thereof.

1. That all the lands belonging to that place, called by the name of

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Shawshin, with its apurtenances, or later graunts made by the Gen^l Court, as well those the pprietic & peculiar right whereof belongs to any p^ticular pson, as those graunted by the towne or chh of Cambridge to that place for a townshipp, as also those giuen by the inhabitants of Cambridge for the furtherance & encouragment of a plantation there, shalbe one intire townshipp or plantation alwayes freed & acquitted from all manner comon charges & rates, of what nature or kind soeuer, due or belonging of right to be payd vnto Cambridge, by vertue of any graunt of y^t place made vnto them by the Gen^l Court.

2^y. That whensoever any of the inhabitants of Cambridge, their heirs or assignes, whether in y^t place or elsewhere, shall make any improuement of their lands aboue p^mised, more or less, by fencing, building, or breaking vp or mowing of the meddowes, euery such pson shall pay to the comon charges of y^t place, viz^t, Shawshin, suteable to his or their improuement of the afforesd kind, in due pportion with the rest of the inhabitants in that place, the whole estate & improuement of the place being layd at an equall & pportionable rate.

3^y. That the inhabitants of Shawshin shall, at all time & times hereafter, for euer, aquit & discharge the inhabitants of Cambridge from all common charges, rates & dues, dutyes & incumbrances, by any manner of wayes or meanes, due by them, to be payd, executed, or pformed by vertue of theire intrest in that place, giuen vnto them by the graunt of the Gen^l Court.

4^y. That whensoever any of the inhabitats of Cambridge shall alienat their p^sent intrests in any of the aboue named lands from themselues & heires, then the sd lands shall in all respects be lyable to common charges of that place, as though those p^ticular psons had had their graunts thereof made them from the sd towne or plantation of Shawshin.

5^y. That no pson or psons which either haue had or hereafter shall haue any lott or allottment granted *them in the aboue townshipp of Shawshin, in case they make not improuement therof by building & fenceinge, especially the howse lott, shall haue any power to make any sale or gift thereof to any other pson, but such lands & allottments shall returne agayne to the towne of Shawshin; & in case, after such improuement, any pson shall then remoue, to the deserting & leauing their brethren & neibours that haue adventured, by their encouragment, to settle there with them, no such pson or psons, for seuen yeares next ensueinge the confirmation hereof, shall haue power to make either sale, gift, or any alienation thereof to any pson or psons whatsoever, save only vnto such as the greater p^t of the inhabitants then resident at Shawshin shall consent vnto & approue off. Lastly, that in case any greiuaunce shall hereafter happen to arise, which for the p^sent neither side foresee, nor is hereby clearly determined, that then all such matters of greiuaunce or difference shalbe from time to time

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heard & determined by meet persons, three or five, indifferently chosen by the prudentiall men of Cambridge & Shawshin; & these afforenamed ppositions to be subscribed by all the p̄sent inhabitants of Shawshin, & by all such as shall hereafter haue any allotments graunted them there, & returne hereof made to the inhabitants of Cambridge, within ten dayes after the end of the first session of the next Gen^l Court. Giuen vnder o^r hands, the 17th of 12th moth, 1654.

By vs,

HENRY DUNSTER,
RICHARD CHAMPNEY,
EDWARD GOFFE,
JOH: BRIDGE.

These ppositions afforementioned are accepted of & consented to by vs, the p̄sent inhabitants of Shawshin, & we doe humbly craue this honord Court, now assembled at Boston, to confirme & record the same.

Yo^r humble serv^{ts},

RALPH HILL, Senior,
JOH: STERNE,
GEO: FARLEY,
JAMES PARKER,
JONATHAN DANFORTH,
HENRY JEFFTS,
ROB^t PARKER,
W^m FRENCH,
W^m PATTIN,
RALPH HILL, Juⁿ,
JOH: CROE,
W^m CHAMBERLINE,
JOH: PARKER.

The Court doth hereby confirme the affor^{sd} ppositions, according to the desire of those who are concerned herein.

[Pages *467—*471 are blank.]

[*472.]

M^r Cleues
answ.

* In answer to the ppositions p̄sented to this Court by M^r George Cleues, employed by seſiall inhabitants of the northerne p̄ts of o^r patent, p̄tended by them to be the province of Lygonia, the Court, havinge considered & compared the patents p̄duced by M^r Cleues wth o^r owne, doe find ours to haue the p̄cedency, & so consequently the land in dispute to be o^r proper right by

1655.

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patent, lying & being scituā within 3 miles to the northward of the most northerly pt of Merimack Riuer; the bounds graunted vs by patent, as may appeare by the originall, a copie whereof we haue deliuered, according to the desires of the sd inhabitants, to M^r Cleuees, together with the testimonyes of the survayers of the most northerly pt of Merimacke, & also of those y^t observed the p^arell latitude vpon the sea coast, in or neere vnto the Bay of Casco, the search whereof, though deffered for some yeares, cannot p^rjudice o^r right when knowne, nor strengthen the title [^] others, becaūe we did not in p^rticular challenge the vttmost of o^r bounds, which we could not in modestie doe till we had thereof some assureance, though o^r generall clayme hath bin constantly from the first to three miles northward of the most northerly pt of the sd riuer, in length & longitude, through the mayne land, from the easterne sea to the sea on the west; & therefor all graunts, orders, or combinations, to, concerning, or of any psons wthin the sd lymitts, are inuallid, null, & of no force or obligation vpon y^e conscience of any; nor is there any feare of imputation vppon y^t account. How fayrely we haue demeaned o^rselues to all o^r neighbours, in all o^r references & concernments, we leaue to them to testifie as they see cause; how, since we haue knowne o^r lymitts, we haue ffrienly declared o^r right to y^e inhabitants of those p^rts, hath bin to their content & approbation: neither was threatening euer objected to vs till now, too soone, because too vnjustly, vppon those y^t are innocent: we haue & doe modestly demaund o^r right, & cannot accept of a denyall from those y^t ought to yeeld it, nor consent to any forbearance thereof, becaūe we haue no doubt therein, & find that thereby we doe but furnish others to object agaynst vs. We haue not endeouored to infringe the liberties of the planters of those lands, but haue offered them the same wth o^rselues; nor to nourish or ease o^rselues by taxing of their estates, to ease o^r selues; we expect no more then what they formerly did, viz^t, bear their own charges; nor doe we seeke to put vpon them y^t which we o^rselues would count vnequall, viz^t, to subject to such lawes *and constitutions, made by others wthout their consent, it being the p^rportion of most of o^r p^rsent inhabitants, as of the subjects of most cuntryes, to be in no other capacitie; the constitutions of government & now modell of lawes not being made in euery age of men, or vpon the ariall of new comers to a colonye: if, therefore, the sd inhabitants shall endeavour to p^rvent vs in o^r just rights, we must p^rfess agaynst their p^rceedings as vnjust, & shall advise o^rselues to take such course as shall evidence o^r desires to aquite o^r selues honestly before God & men.

[*473.]

In the case of Thomas Kemble & Thomas Jenner ag^t John Pearce, for taking & detainynge their vessell & goods, which were taken at Kinnibecke,

Kembell & Jenner.

1655.

23 May.

after the hearing of the evidences, the Court declares, that at p^{re}sent they see no cause to determine it, but referre the playntifes to p^{ro}secute their right & intrests before his highnes the L^d Protector, in England, by way of complaynt or petition, as they shall see cause.

Breks ans^w.

Edward Breeks, beinge vnder a fine of fowre pounds for refusing to serue in the office of a cunstable, p^{ro}ferd a p^{et} for the abatment of his s^d fine, which the Court saw no reason to graunt.

Vpon the p^{et} of Jane Hawkins, libertie is graunted her to come into this jurisdiction for two moneths to transport herselfe for England, & when shee is here, if shee giue satisfaction to the County Court for the offence giuen by her to the Gen^l Court, that then the s^d petition^r to haue libtie to liue & remayne here.

Rices ans^w.

In answer to the p^{et} of Edmond Rice, for a p^{ar}cell of land neere the path leading to Conectecott, the Court refers it to the next Generall Court for a further answer, & in the meane time doe appoynt Leiu^t Goodnow & Walter Haynes to view the land, & accordingly to make report to the next Court of Election.

Prices of corne.

It is ordered by this Court, that the rate for this yeare, wth the addition of one quarter p^{ar}t, be payd in wheat & barlie, att 4^s 6^d, pease at 4^s, rye at 3^s 6^d, & Indian at two shillings six pence. p bushell, & that one halfe of the rate be payd in wheat, barlie, or pease, & y^t Indian be payd in the tenth moth.

Cheeslyes costs.

Phillip Cheestly being a wittness agaynst Richard Nason, his bill of costs of two pounds sixteene shillings is allowed by this Court.

Comission^{rs} to giue oath.

Cap^t Joshua Hubbard & the other two comission^{rs} to end small causes are hereby empowred to take the cunstables of Hingham oath for this yeare, making a retorne thereof into the County Court at Boston.

[*474.]

Capt. Norton.

*Att the request of the military company of Charlestowne, Cap^t Francis Norton is allowed & confirmed to be their captayne.

Dexters ans^w.

In answer to the p^{et} of Richard Dexter & Job Lane, humbly craueing the remittment of their se^uall bonds forfeiture, being fiae pounds apeece, for y^t they brought not Alce Muzey before the last County Court, to answer for seuerall thinges y^t were layd ag^t her, its ordered, that the petition^{rs} haue their bonds remitted to 20^s apeece, p^{ro}vided the petition^{rs} bring the s^d Alce before the Gouverno^r or Dep^t Gouverno^r, wthin six dayes.

Mr Lakes ans^w.

In answer to the p^{et} of M^r Th^o Lake, in the behalfe of himselfe & p^{ro}no^s, for a devisiion of the land at Squamscot & Douer, it is ordered, that M^r W^m Bartholomew, M^r Samuel Winslow, & M^r Samuel Hall are hereby appoynted & empowred as a com^{it}tee to goe to Squamscott, & according to the pattents thereof & this order, to make a just devisiion of that of Squamscott only, &

that which hath reference to Douer be respited vntill another time, makinge a
returne of what they doe to the Court of Election for confirmation. 1655.

James Rose, being now in prison for abusing his master, John Ruddocke,
vpon his petition, & pmise of reformation, hath libertie to goe home to his sd
master agayne. 23 May.
Roses answ.

Vpon the request of the inhabitants of Charlestowne, M^r Richard Russell, Ralph Mowsall, & Thomas Lynd are appoynted as comissioners to
end small causes there, according to law. Charlert.
comissn^{rs}.

In answer to the p^{et} of John Heydon, of Brauntry, the Court thinkes
meet to allow him fine pounds for this p^{se}nt yeare, towards the releife of his
distracted sonne, out of their country rate. Heydon's an-
swer.

Att the request of the towne of Hampton, by their deputie, it is ordered,
that they shall haue a marktett there one day in euery weeke, viz^t, on the fifth
day, which is their lecture day. Hampton mar-
kett.

In answer to the p^{et} of Richard Hitchcock, of Saco, a hearinge of the
case is graunted, betweene Th^o Warnar & him, about the graunting of a hugh
& cry. Hitchcocks
case.

Whereas there hath bin a diffrence between Hampton & Salsbury, about
ruining of the line betwixt them, according to the returne, it is therefore
ordered, that M^r Edward Woodman & Mathew Boyce are appoynted a
comitte^e & impowred to goe on the place, & determine the way of explana-
tion, where the direct line shall run betwixt them, & what shalbe done by
them, or any two of them, to be returned vnder their hands to this Court in
May next, w^{ch} shalbe a finall issue betweene them. Hampto
bounds.

*Forasmuch as this Court is informed there is some witnesses in Cal-
cords case that were not allowed their charges, it is ordered, that it shalbe in
the libertie of Salsbury Court to satisfie such witnesses charges out of the
fowre pounds thirteen shillings, in M^r Stanions hands, as a fine to the country,
which yet is not payd in. [*475.]
Witnesses
payd.

The Court, having read & heard the seuerall testimonyes brought in ag^t
the Indian mayd, who is brought hither for killing of another mayd, doe not
find her guilty of wilfull murther, so as by o^r law she ought to dy, yet notwith-
standing for such a great misdemeano^r, & for terror to others, to p^{re}vent the
like practises for the time to come, doe judg that shee should be whipt with
ten stripes. Indian pun-
ished.

The question propounded is, whether, that the magistrates being now
mett, it be judg^d to be a legall Gen^l Court: the Court resolu^d in the
affirma^t. Quest.
21 October.

Whereas there hath bin a difference between Rowley and Newbery, about
Rowley
bounds.

1655.

24 October.

runing the line betwixt them, according to graunts from Newbery, it is therefore ordered by this Court, with the consent of the ^, & Capit Gerish & Mr Woodmā, of Newbery, that Deacon Whiple, of Ipswich, Mr Hall, of Salisbury, & Ensigne Howlet shalbe a comittee, who are hereby impowred to goe on the place, & view the same, & to settle & determine where the line shall run betwixt them, & what any two of them shall vnder their hands determine shalbe a finall issue betweene them, makeing returne thereof to the next Court of Election, to be recorded.

Michelsons
answ.

In answer to the pet of Edward Mitchelson, the Court thinkes meet to confirme the law made in 53, about strong waters, for two yeares more.

Dills ans.

In answer to the pet of Abigail, the wife of Georg Dill, lately deceased, the Court orders the widdow be allowed one third pt of her lat husbands estate, both reall & psonall, & the rest to be devided betweene the children, shee giueing in securitie to the Countie Court, according to law, for the same.

Cambridg
comittee.

There having bin heretofore a comittee appoynted to heare some diffrences between the inhabitants of Cambridge & som farmes on the south side of the riuer, of which Mr Nowell was one, who is now dead, & Capit Johnson another, who is somthing intressed in the busines, the Court orders Major ^

[*476.]

*Major Willard & some others of Concord, psenting a petiō to this Court for liberty to make sale of an howse & land, left to some orphans in that town, hath his pet graunted, & the sd sale confirmed, pvided securitie be taken, that the sd orphans may haue that which it is sold for, when they shall come to age.

[The following pages, misplaced in the volume of original records, are here restored to their proper place in chronological order. The portion that contains the earliest records of the year 1656 has no other date given than the year; but by comparison with the fourth volume, which contains the records of the General Court, the session is ascertained to be that held in May.]

1656.

May.

[*164.]

Supply of
clothinge.

Spinning recommended for
all hands to be
employed in.

1656.

THIS Court takeinge into serious consideraō the psent straights & necessities of the country in respect of clothing, which is not like to be so plentifully supplied from foraigne pts as in times past, & not knowing any better way or meanes conduceable to o^r subsistance then the improueing as many hands as may be in spinning woole, cotten, flax, &c, it is therefore ordred by this Court & the authoritie thereof, that all hands not necessarily imployd on other occa-

sions, as woemen, girles, & boyes, shall, & hereby are, enjoyned to spin according to their skill & abillitie; & that the select men in euery towne doe consider the condition & capacitie of euery familie, & accordingly to assess them, as one or more spinners. And because seuerall families are necessarily employed the greatest pt of their time in other busines, yet, if opptunities were attended, some time might be spared, at least by some of them, for this worke, the sd select men shall therefore assess such families at halfe or a quarter of a spinner, according to their capacities. 2^y. & that euery one thus assessed for a whole spinner doe, after this p^sent year, 1656, spin, for 30 weekes euery yeare, 3 pound p weeke of lining, cotten, or wooling, & so proportionably for halfe or quarter spinners, vnder the p^enalty of 12^d for euery pound short; & the select men shall take speciall care for the execution of this order, which may easily be effected by deviding those seuerall townes into 10, 6, 5, to take an account of their deuision, & to certifie the select men, if any are defectiue in what they are assessed, who shall improue the fore^sd p^enaltyes imposed vpon such as are negligent, for the encouragm^t of those that are diligent in their labour. And it is further ordred, that the select men in all townes within this jurisdiction shall haue power to make such orders in their respectiue townes for the clearing of commons for keeping of sheep, as also for the time of puting rams to their flockes, as they shall iudg meet; & it is hereby ordred, that the depu^{te} of the seuerall townes impt the mynd of this Court to their inhabitants, concerning the soweing of seeds, both of hemp & flax.

*For the better ordering & settleing of seuerall cases in the military companies within this jurisdiction, which, vpon experience, are found either wanting or inconvenient, it is ordered & declared by this Court & the authoritie thereof, that henceforth no negroes or Indians, although servants to the English, shalbe armed or pmitted to trayne, & y^t no other pson shalbe exempted from trayning but such as some law doth priuiledge, or some of the County Courts, or Courts of Assistants, after notice of the ptyes desires, to the officers of each company to which they belonge, vpon just cause, shal dismiss. 2^y. It is further ordered & declared to be the mynd of this Court, in election of military officers, that henceforth none but householders, freemen, & such as are already listed, having taken the oath of fidelity before the date hereof, shall have liberty of vote; & whereas this Court hath made sefall orders concerning the pcedency of captaynes & their companies, none of which sd orders doth reach the case of the fower companies of Boston, being of equall standing, this Court doth therefore order, in reference to them, that their precedency shalbe for the p^sent, & from time to time hereafter, according to the prioritie of their comissions. 4th. It is ordered by this Court, that no

1656.

May.

[*165.]

Militia settled
Indians or negroes
not to train.

Military regulations.

1656.

May.

troop within this jurisdiction shall exceed the number of 70 listed souldiers, who shall all be furnished according as the lawes doe pvide; & it is expected that the captaynes of the sd troops respectiue, & the major of the regiments & major gen^l, doe, in their respectiue charges, take care that the orders concerning troops be duely executed; & beē some troops, liewing remote, doe often avoyd the penalties of the lawes by reason of the intolerable burthen put vpon the clarks to demandaund & levie the same, its therefore hereby ordered, that the clarkes of the troops, for their charges & travill in levying of all fines, shalbe allowed the fees of y^e marshall, to be by him levyed & distrayned, together wth the fines, pvided no distress be made wthin one moth after the offence, that the ptyes may haue libty to plead their excuses to the officers: and it is further ordred, that no troop shalbe drawne out of the countyes by the capts officers thereof vpon any occasion or ptence whatsoever, nor for exercise only, or at the regimentall meetings, but by order from the major gen^l, & by his comaund. *And for explanation of that pticular in the law respecting troops, made in the 3d moth, 1648, for free comonage for their horses in any of the towne comons where they inhabite, it is declared by this Court, that it is not, nor shalbe, vnderstood or intended of such commons as are appropriated to pticular psons, vnles it be in time of exercise only; provided that such appropriated comons be valued & rated in the aṇuall assessment, as all other reall & psonall estate is. 7^{ly}. & for a more constant supply of a comon stock of powder & aṇiunition, it is ordered, that the surveyor gen^l shall yearly giue an account to the councell of the sd stocke, that accordingly the Gen^l Court, being by them informed, may, out of the publicke treasure, make a constant supply, according to the need of the country.

[*166.]
Law on commons explained.

Surveyor general to inspect powder.

Horses to Indians not to be sold.

Whereas this Court from time to time hath bin carefull to restrayne the abuse of aṇiunition & thinges of like nature from the Indians, whereby they may disturb o^r peace & saftie, to pvent what evill may ensue, doe further order, that no pson, on any ptence whatsoever, shall sell or any wayes dispose of any horse, mare, or colt, to any Indian, on pœnalty of one hundred pounds, & that this law shalbe of force, pvided that the rest of the Vnited Colonyes shall establish lawes to restrayne their inhabitants on like pœnalty.

Comission^{rs} to marry.

It is ordered by this Court, that from henceforth any one of the three comission^{rs} for the ending small causes in the seuerall townes where no magistrate dwells, shall & hereby are authorized & empowred to solemnize mariag betweene ptyes legally published, pvided two of the sd comissiono^{rs} be pœnt, & all other comissions in this case are hereby made voyd.

Treasurers choyce.

Vpon observation of some inconveniences, & for caseinge the country respecting the choyce of county Treasurers, it is ordered by this Court & the

authoritie thereof, that after this p̄sent yeare the choyce of county Treasurers, in each towne, shalbe made vpon the day of their giuing in votes for magistrates, & sent by the same p̄son to their shire meeting, & there be opened & signified to the severall townes who is chosen; any thing in the former law to the contrary notwithstanding; p̄vided, that no clarke or recorder of any County Court shalbe chosen Treasurer for the county.

1656.

May.
County Treas-
urer chosen.

*It is ordered by this Court & authoritie thereof, that it shalbe in the power of euery County Court to make vse of such prison as is at p̄sent erected in their county for a howse of correction till the howses of correction be finished; & also to appoynt & authorize the keeper or some other meet p̄son to be master of that howse, as they shall thinke good; and that the select men of the towne where such howse is appoynted shall haue liberty & power to procure, in a vulluntary & prudent way, some competent stocke of hempe, flax, or other materialls, & vpon account to committ the same into the hands of the master of the howse, to be imployd at his discretion by the labours of such delinquents as shall from time to time be committed to him by authoritie; and that the stocke being in value or kind p̄serued to such as put in the same, all the benefitt atayned by the labour of the p̄sons committed shalbe to the vse of the master, allowinge only so much as will keepe the delinquent with necessary bread & water, or other meane food, out of the same, as 4^d out of the shillinge earned by his or her labour; and that, at the first cominge into the howse, the master of the correction howse himselfe, or whom he shall p̄cure, or, in want of a fit p̄son, the com̄on corrector, in allowance by the Court, residing in the towne, shall whipp the delinquent not exceedinge ten stripes; and after that he shall imploy him or her by dayly stint, & if he or shee be stoborne, disorderly, or idle, & not p̄forme their taske, & that in good condition, it shalbe in the masters power to abridge them of part of their vsuall food, or giue them meet correction, as the case shall require, from time to tyme. It shalbe also in the power of one magistrate to committ idle p̄sons, stuborne p̄sons agaynst them that haue authoritie over them, runawayes, common drunkards, pilferers, common night walkers, & wanton p̄sons, as tending to vn-cleanes in speeches or actions, & the like. And it shall not be in the power of the master to deliuer out of prison any delinquent, vnles he hath a discharg or warrent vnder the hand of a magistrate; & if the delinquent be com̄itted by the Court, not to be deliuered but by order of the Court, or vnder the hands of the greater p̄t of the members of the Court between Courts. And euery County Court where such howse is in beinge are desired to consider & p̄pound to this Court, either for the benefitt of the master or of the employm^t

[*167.]

House of cor-
rection.

House of cor-
rection.

1656.

May.

[*168.]

Prisio for salt.
Salt manufac-
tory.

of this howse, what may incourage or further the same. This order not to be in force after one yeare from the date hereof.

*This Court takeinge into considera^{co} the vncertaynty of pcurcing salt amongst vs for o^r necessary vses, & what salt hath bin of late gotten hath bin at very deare rates, & whereas M^r John Winthrop pfereth to make salt for the colonie after a new way, never before devised or practised, & desireth that none other may make salt within this jurisdiction for the space of 21 yeares after his manner, w^{ch} none before hath knowne or vsed, & that he may haue that priuledge graunted him by this Court, this Gen^l Court therefore doth hereby graunt vnto the s^d M^r John Winthrop the priuledge of making salt after his new way within this jurisdiction, & that none other dureing the s^d terme shall make salt after his manner without the s^d M^r Winthrops special licence.

Springfeild
rates.

Forasmuch as the townes of Springfield & Northampton are so remote that the Treasurer cannot send forth his warrents to them, as is pvided by the law, Charges pub, pag 9, it is therefore ordered by this Court & the authoritie thereof, that the constables of the s^d townes from time to time shall call together their inhabitants in each towne, who shall assess their inhabitants, & pay in the same according to law, vnles at such time or times as the Treasurer shall send them warrents, as the former law provides, then to make their assessm^{ts} accordingly.

Treasurers acc^o
audited.
Treasurer acc^o.

Its ordered by this Court, that Cap^t Daniel Gookin, Cap^t Francis Norton, Cap^t Thomas Clarke, & the surveyo^r gen^l shalbe a comitte^e to take the Treasurers acc^o, & to make returne thereof to the next session of this Court.

Salsburys
answ.

In answer to the petition of seuerall of the inhabitants of Salsbury, complayninge & desireinge releife in resect of their jury mens expenses, it is ordered, that if in time to come there shalbe ground of complaynt of this nature, that they, vpon request to the County Court, should, in respect of their necessary expences, be allowed it out of the county treasury, by vertue of the late law for county Treasurers.

Holmaus
answ.

In answer to the pet of John Holman, of Dorchester, desireinge to haue his fathers will made voyd, this Court refers it to the next County Court for Suffolk, to be heard, both ptyes & witnesses, & if it appeare to the s^d Court, vpon hearinge the case, that there is just reason to make null or alter the will of the petitiono^r father, then the s^d Court to state the case, & report the grounds thereof to the next session of this Court; but if the contrary appear to the s^d Court, viz^t, that the will ought to remayne in force, & the petioⁿ not to make any further trouble, & in that case, also, the s^d Court to giue reasons to this Court why they apphend the will ought to stand in force, &

[*169.]

also that securitie be forthwith taken by the secretary to the value of one hundred pounds, vpon the estat of M^r John Holman, deceased, to be responsible for what this Court shall determine & conclude herein vpon information from the County Court. 1656.
May.

In answer to the petition of M^r Symond Lynd, liberty is granted him to try the tittle of lands, or the case in his pet^{ition} mentio^{ned}, at the County Court, any thing in the law to the contrary notwithstanding. Lynds answ

Vpon the request of the farmers of the impost of wines, who alleage great losses already sustayned thereby, it is hereby graunted, that they be henceforth discharged of the agreement made with the country respecting the same, & the officer to receiue the impost shalbe the County Treasurer. Farmers of
impost dis-
charged.

In answer to the petition of Nicholas White, the Court apprehending that the petition^{er} hath had much wronge & damage in beinge outed of his land by M^r Hutchenson, whereof ^{he} was possessed, & wherevnto, as it doth appeare, he had just tittle, the Court therefore doth judge, that he ought to seeke reparation legally at the hands of his disturbers, & that the Gen^l Court order, dated May 24th, 1655, respectinge this case, be & remayne in full force. Whites answ.

This Court haueinge made an order in the 8th moth, 1652, wherein M^r John Clarke was to haue ten shillings of euery family that should make vse of his in-vention for saueinge of fire-wood & warminge of howses, which sd order was only for the terme of three yeares, which is now expired, vpon a motion made to this Court in his behalfe, this Court thinkes meet to confirme the sd order for the terme of his life. M^r Clarkes mo-
nopolie.

Its ordered, that Charltowne Court be adjourned to the 29th day of June next, & this order to be posted on the vsuall places at Charltowne & Boston. Court ad-
journed.

Its ordered by this Court, that Major Atherton, the survey^r gen^l, & Cap^t Dau^{en}port shalbe a comitte^e, & are hereby impowred to finish the worke at the Castle, & to p^{ro}vide ladells, spunges, cariages, &c, at the countryes charge, & that the cap^t of the Castle haue a comission giuen, accordinge to the teno^r of his former comission, that he, wth the p^{re}sent garison, goe on wth the countrys affayres at the Castle, till the next session of this Court. Castle comit-
tee.

*Att the request ^{of} p^{re}sent honord Gou^{no}r, Ensigne Howlett & Lieu^t Howard are appoynted to lay out the land formerly graunted him vpon Ipswich Riuer. [*170.]
Gou^{no}r, land,
&c.

In answer to the petition of Barnabas Fawers executo^r, & o^useers of his last will & testament, liberty is graunted for a deuision of the estate which the sd testator left to his wife & sonne Eliazur, & that the howse, prised at 180^{li}, shalbe estated on his sd son, & the other howse, prised at 40^{li}, shalbe estated Fawers will
ord :

1656.

May.

Smyth, fine
abated.Wheller, &c,
satisfied.Questio re-
solved.Yorke, &c,
bounds.

on John Johnson, husband of Grace Fawer, the late wife of the foreſd Barnabas, & that the rest of the estate be equally devided so as to make the two whole p̄ts equall between the mother & the son, accordinge to the will.

John Smyth, of Charlstowne, beinge vnder a fine for selling of stronge waters, vpon his request to this Court, hath his fine remitted to ten shillings, p̄vided it be payd in to the countie Treasurer vpon notice hereof.

Joseph Wheller & Thomas Hincksman beinge imployd by the country to find out those that sold powder, shott, & strong liquors to the Indians, are allowed for their charges so much as will make vp what hath bin formerly graunted them, six pounds & two shillings.

In answer to a question p̄pounded by a member of the Court, viz^t, whether he that serueth as a deputye the whole yeare, though called thereto from session to session, hath not the same benefitt of law as he that is chosen at first for the whole yeare, the Court resolves the question in the negatiue.

Whereas it was ordered, by the cōmissioners appoynted to take in Yorke & Kettery into the Bay gouern^t, that each towne should make choyce of certayne men amongst themselues to lay out the bounds betwixt the two foreſd townes, according to which order of the foreſd cōmissioners, we, whose names are herevnto subscribed, being elected for that purpose, doe, vpon due consideration thereof, mutually agree, pitch, and appoynt the bounds betweene Yorke & Kettery, to begin as followeth, namely: at the head of Brayboat Harbour, which is at the first & loest discent of that fresh brooke which lyeth at the vpper end of the marshes, belonging to the ſd harbour, being in distance about one mile & a halfe from the mouth of the harbour, & from the head of that harbour to run in a streight line to the head of the south west branch of the Riuer of Yorke, being *the next poynt of vpland where the creeke treanes about to the north west, & so run from the ſd poynt of vpland vpō a direct line vnto the south east side of a certayne pond which lyeth betwixt the north west branch of the Riuer of Yorke and Newythawanacke; in confirmation of which afforeſd bounds, we haue herevnto set o^r hands, Decemb, 14, 1653.

[*171.]

NIC^o SHAPLEIGH,
EDW: RISHWORTH,
ABRAM PREBLE,
NIC^o FROST,
JOH: DAVESE.

Grace Porters
answ.

In the case between Grace Porter & Daniel Smyth, in reference to the

sale of certayne lands, it was agreed vpon, with free consent of both p̄tyes, before the cōmittee for peṯ, that Grace Porter should haue full libertie, with the good will of Daniel Smyth, her son, to dispose of the howse & vpland in question, for the vse & mayntenance, by sale or otherwise, but should not dispose at all of any meddow land that is not already disposed of, which this Court doth approue of.

1656.

May.
G. Porter.

Joseph Jones, of Hingham, vpon his peṯ to this Court, hath his fine, for Jones *answ.* bartring a gun with an Indian, abated to 30^s.

Richard Nason being bound to the good behavio^r in the svm of 20^{li}, & Geō Dod & Leonard Buttells in 10^{li} apeece, the Court doth not now thinke it a meet time to release him of his bonds.

M^r Elizur Holioko, vpon his request, is dismist from being a deputy of Mr. Holioko
dismist.

In answer to the peṯ of seuerall of the inhabitants of Sudbury, this Court thinks meet to graunt the petitiono^{rs} a p̄portion of land, of six miles square, or otherwise in some convenient forme equivalent therevnto, at the discretioⁿ of the cōmittee, in the place desired, p̄vided it hinder no former graunt, & that there be a towne settled with twenty or more families within three yeares, so as an able ministry may there be mayntayned, & that Cap^t Eliazur Lusher, M^r Edward Jackson, & M^r Ephraim Child, or any two of them, with the artist mentioned in the peṯ, or ether of them, lay out the bounds thereof, & make returne to the next Court of Election, or else the graunt to be voyd. Sudbrys
answ.

In answer to the petition of the towne of Hampton, for settleinge of the boundes betwixt them & Salsbury, this Court orders, for a more full satisfaction, & p̄venting of further discord between the townes, that the former cōmittee, or any two of them, together wth M^r Dudley, doe agayne consider of the case, & here the alegations of both p̄tyes, & p̄sent a returne with a plat drawne & signed by som artist at the next session of this Court, with their full determinatioⁿ & explanation of the line betwē the s^d townes, & the charges to be borne by Hamptō only. Hamptō
bounds.

In answer to the petition of the ouerseers of the children *and estate of Thomas Brigham, for confirmation of the sale of certayne howses & land, left by him to his wife & children, this Court, on p̄vsall of the will of the s^d Brigham, thinkes meete to graunt the peṯ, p̄vided that the oūseers doe giue security to the County Court, to the vse of the children, for the princypall & effects thereof, as is exprest in the peṯ. [*172.]
Brighams
ouerseers.

It is ordered by this Court, that the child of Mary Davis, borne in the prison, should be p̄vided for by the towne of Watertowne, as also they to bear the charge for the time past, and that they shall hereby haue power to Davis child.

1656.

May.

Nason's case.

recouer & make vse of any estate which they haue or can find of hers or her husbands, or of the fathers of the child, for the mayntayning thereof.

Richard Nason, beinge, for som miscariages of his, bound to his good behavio^r by the last Gen^l Court, & so to contynue dureinge the Courts pleasure, is yet notwthstandinge returned by the constable of Kettery to serue as a deputy to this Court, which the Deputyes doe not thinke meet to accept off. It is therefore ordered by this Court, that the next County Court at Yorke shall enquire after the names of such freemen of Kettery as gaue their votes for the choyce of the sd Nason to be deputy to this Court, & whom they shall find to be guilty in such respect to pceed with as the law pvides, according to their deserts.

Stones answ.

In answer to the pe^t of John Stone, of Sudbury, for confirmation of the purchase of 11 acors of land bought of the Indians, it is ordered, that his pe^t be graunted, as also the graunt of fifty acors of land more to be added therevnto, accordinge to his desire, p^rvided it be not p^rjudicall to any pson ; & M^r Noyce & M^r Edmund Rice, of Sudbury, are hereby appoynted to lay out the land.

Newbery, & c.
bounds.

Whereas, by an order of the Gen^l Court, October, 1655, we, whose names are vnder written, were appoynted to here & determine the differences betwixt Newbery & Rowley, concerninge their bounds, this is to certifie this hon^d Court that we doe all agree that the lyne formerly run, viz^t, from a white oake, marked; standing vpon the north west side of Eastows Riuer, neere the old path ouer the riuer, the line to run west one mile, as the trees are marked, & from the tree marked at the mile end vpō the line haueing a heap of stones layd there, according to Court order ; from thence the line to run north west, as it hath bin layd forth. Thus having heard the pleas *of both townes, we haue thus determined, & subscribed wth o^r hands.

[*173.]

JOH: WHIPPLE,
SAMUEL HALL,
THOMAS HOWLETT.

This retu^rne was accepted & approued of by the Court.

Groatens
answ.

Free of rates 3
years.

In answer to the pe^t of the intended inhabitants of Groaton, it is ordered, that the towne of Groaton be freed from rates for three yeares from the time of their graunt, as is desired ; as also that they may employ any knowne artist, in the roome of M^r Danforth, as need shalbe, & that the forme of the towne may a little varie from a due square, according to the discretion of the committee.

Mr Joshua Hues, administrator to the estate of Mr Joshua Foot, deceased, havinge made sale of a warehowse of the sd Mr Foots vnto Mr Henry Shrimpton, which sd warehowse was morgaged to Mr John Johnson, of Roxbury, vpon his request to this Court the sd sale is confirmed & allowed.

1656.

May.
Hues answ.

William Clements, of Cambridge, pfering a peñ to be diuorced from his wife, is referd, for a hearinge & determining of the case, vnto the County Court of Charlstowne, in the next moneth.

W. Clements.

Deacon Marshall, of Boston, desireinge the graunt of an iland in Quenecotecot Riuer, his petition is not graunted.

D. Marshall
answ.

The late wife & administratrix of David Madox, of Roxbury, desireinge this Court would confirme the sale of two acors of meddow to Giles Pason, hath her peñ graunted; & y^e Court doth also further order, that the howse & land of the sd David Madox shall stand ingaged for the paym^t of fiftene pounds to David Madox, the son of David Maddox, deceased, fwe pounds whereof was giuen him by the Court, & ten pounds was giuen to his sister, deceased.

Vid. Maddox
answer.

In answer to the peñ of the inhabitants of Bilericay, the Court thinkes meet to graunt them eyght thowsand acors of land for the ends desired, in any place or places that are free & not capable of making of a towne, pvided the sd lands be layd out together, & that before the next Court of Election, & that the inhabitants of Cambridg doe accept thereof, & disingage the lands desired at Bilericay, & also that the towne of Bilericay be seated, with twenty families at least, within three yeares, that the ordinances of God may be settled & encouraged in the sd place, & y^t Majo^r Willard, Cap^t Edw: Johnson, & Mr Edw: Jackson, or any two of them, with Thō Danforth, or any other surveyo^r appoynted by the Court to lay out the same at the charge of the petiti^{on}, & that returnes be made at the next Court of Election.

Bilericas answ.

*Mr John Alcocke hauing a pcell of land formerly graunted him by this Court not yet layd out, vpon his request Thomas Danforth or Lieut Fisher are hereby appoynted to lay out the same.

[*174.]

Mr Alcocke
pet. answ.

In answer to the peñ of Richard Swayne, the Court conceiues that if the petitiono^r haue just ground to implead any man about the land mentioned in his peñ, that he may doe it at the County Court; but for the tytle of the land, there having bin so many hearinges & so much expence in this Court about the same, that the Court judgeth that the last act of this Gen^l Court concerninge the same is & shalbe a finall issue thereof, without any more hearing in that respect.

Swaysn's answ.

Whereas hitherto by appoyntment the County Court of Douer hath began to be kept vpon the last Twesday in June, & the Court for the county of

Court dayes
changed.

1656.

May.

Yorke begins vpon the Thursdy followinge, for the more enlargm^t of time vnto the s^d Courts, its ordered, that Douer Court shall begin as before, & the Court for Yorke on the Munday followinge; and it is further ordered, that Cap^t Clarke shalbe assistant with Cap^t Wiggan this yeare to keepe the County Court of Yorkeshire & Douer.

Chelmsfords
answ.

In answer to the pe^t of the inhabitants of Chelmsford for enlargm^t in respect of lands, its ordered, that this pe^t & also that p^t of M^r Eliotts pe^t respecting an enlargm^t of land, vpon conferance with the comⁱtee who layd out the bounds of Chelmsford, & pvseall of a description of a plott of the s^d plantations, & also of the tract of land now by both p^tyes petitioned for, the Court judgeth it meet, & doe order, that the Indian graunt be extended a mile from the north east angle or corner bound of Chelmsford, abutting on Merimacke & Pautuckett eastward, takeing in John Sagamores planting ground & the end of the s^d mile to determine the Indian; plantation, and for the rest of the lands on behalfe of both townes now petitioned for, that Chelmsfords south & north line, abutting on Tadmucke, be extended from the northwest angle or corner three miles north, so as it pass not Merimack Riuer, & from thence to run a p^allell line with the east & west line of Chelmsford vntill it meet with Merimacke Riuer, & that the whole track of land so taken in be & remayne in comⁱunitie vnto the townes of Chelmsford & the Indian towne called Pautuckett for all vses.

Giffords re-
lease.

[*175.]

This Court, on pvseall of a letter directed to the Gouverno^r & councell & Generall Assembly of New England, or who else it may concerne, signed by John Becx, Phebe Frost, Thomas Foley, Joh Pococke, & W^m Greenhill, bearing date 27 Feb, *1655, which also was recorded in the Courts day-booke the 21 of May, 1656, the same day on which it was brought & p^sented by M^r Gifford, doe judge meete in answer therevnto, & on their request doe order, that the s^d John Gifford shalbe, & is hereby, released & discharged from being any longer a prisoner vpon the judgment of this Court in reference to the s^d Becx & company, for which he hath bin & yet is a prisoner, he discharging the charges of the prison.

The returne of Major Willard, Ensigne John Sherman, & Thomas Danforth, whose names are herevnto subscribed, in reference to the order of the Gen^l Court impowreing & requireing y^m to heare & determine the case in difference betweene the brethren & neighbours of Sudbury.

Returne from
Sudbury.

Whereas at the late session of the Gen^l Court, held at Boston, Octob^r, 55, we p^sented a brieve naration of a mayne p^t of the case in difference so far as

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May.

we had then heard the same, with some quæries arising there from, vpon the resolution whereof the issue of the case doth depend, but not obtayninge so much fauour of this hono^rd Court accordinge to o^r bounden duty to this Court, requiring vs therevnto, as also the vncomfortable estate of the s^d inhabitants whiles the case remaynes vndetermined, calling earnestly vpon vs to declare o^r apphensions & determinations touching the same, we doe therefore, wth humble submission to the wisdom & authoritie of this hono^rd Court, hereby declare o^r apphensions & determination^l touching the same, as followeth:—

1. Concerninge the tyle of lands appropriated to severall inhabitants, accordinge to what informatiō haue bin p^sented vnto vs, we doe not find just cause to make voyd their clayme & intrest concerned therein; & as, concerninge the lands held by the Reuer^d Mr Browne, pastor of the chh there, touching a p^t thereof, some objections haue bin made, & clamorous reports layd ag^t him, we doe not find any just ground for the same, but haveing p^sved the town records, doe apphend his intrests in such his lands to be good, & doe hereby confirme the same to him & his heires for ever.

2. Concerninge such lands as are reserued in comōn for feed, whereof we find, touchinge one p^t of the s^d comōns, by comōn consent & agreement, the rule for stintinge the same, to be agreed vpon as appears in the Towne Booke, fol^o 27, *as also the bounds of the s^d comōns therein lymitted, the which we doe hereby ratifie & confirme, together wth the order in the Town Booke, fol^o 58, so far as it respects y^t p^t of the comōn; and as for the other p^t of the comōn within the compasse of the fve miles, the rule for stinting the same, we find that hitherto it hath not bin so clearly as could be desired: we doe therefore agree, that the rule for stintinge the same shalbe, with due respect, had as well to such, who, although they brought good estates into the towne, yet are now weakned, havinge improued the same, as also their time & other psonall abillities, for the comōn good of the place, as also with respect had to such whom God hath bin pleased to bless & increase their estates, & thereby are made more able to be vsefull & pfitable, as well psons as estates, for the comōn good, & stand in more need of enlargm^t of their accommodations then formerly; & for a more cleare rule to direct herein, we doe hereby declare, that it is o^r intent & meaninge that such whose estates are weakned as affore^sd shalbe considered & pportioned accordinge to their seuerall allotments of meaddowes, which gaue them the right in the other p^t of the comōns already determined, & such as God hath increased their estates shalbe considered & pportioned accordinge to the invoice of their estates giuen in for the country rate last past, wthout any respect had

[*176.]

Sudbury matters.

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to their meddowes formerly allotted them ; also, we doe hereby declare, that no pson or psons whatsoever shall haue power to giue their vote touchinge the sd comons but such as haue bin allowed as free inhabitants of the towne, or haue come vpon the right of such as haue bin so allowed, & that in such wise whereby the number of votes may not be increased aboue or beyond the number of such as had their intrest by graunt from the town ; also, whereas since o^r last meetinge we find that the records of the Town Book, fol 58, touching this case, hath bin crossed & defaced, & that without a mutuall consent of both ptyes, we doe hereby declare that the sd act was not allowable, & therefore we cannot forbear to leaue o^r testimony agaynst the same ; & for the future we doe agree, that the Towne Booke shalbe kept by the recorder of the County Court, vntill there be a lovinge composure, & agreement for former differences, & a mutuall choyce of a fit pson to keepe the same.

[*177.]

*Further, we having had some complaynts made in reference to the tytle of Hugh Griffins land, the objections made beinge considered by vs, we doe hereby declare, that we judge his tytle thereto to be good & valid, according to the transcript thereof in the Town Booke, vnto which declaration the complaynants joyntly concurred & agreed ; also we doe hereby declare that such of the inhabitants as entred their contra dicentes agaynst the act made for a rule of devison of the last two mile graunted by the Court, as appears in the Towne Booke, fol 56, shall haue their intrests therein according to estates & psons ; also, we doe further declare it to be o^r true meaninge, that euery pson that is an allowed inhabitant in the towne shall haue libty to haue his comonage accordinge to his meaddowes or inuoyce of his estate, at his pleasure, & no pson which haue neither meddow nor is an allowed inhabitant, as is above p^rmisid, in case of voteinge, shall haue no power *power* to make any clayme to any comonage.

Sudbury matters further.

SYMON WILLARD,
JOHN SHERMAN,
THOMAS DANFORTH.

15 May.

The Court doth allow & approue of this returne, May 15, 1656.

We whose names are vnder written, the inhabitants of Sudbury, doe hereby testefy o^r full consent & owninge of the aboue written act of the commission^{rs}, with all harty thanks to them for their paynes, saythfullnes, & loue herein exprest, humbly intreating the hono^rl Court will be pleased to

confirme & ratify the same for the p̄venting of after troubles, & for setting of
 peacè & truth amongst vs.

1656.

15 May.

ED: BROWNE,
 WALTER HAYNE,
 JOHN PARMITER,
 ED: GOODENOW,
 JOH: GROUT,
 W^M BROWN,
 JOHN PARMITER, Jun^r,
 JOHN SMYTH,
 PHELEMO: WHALE,
 HEN: CURTIS,
 PETER NOYCE, Seni^r,
 JOHN HAYNE,
 PETER NOYCE, Juni^r,
 THO: BESSBECH,
 JAMES PENDLETON,
 JOSIAH HAYNE,
 HUGH GRIFFIN,
 JANE GOODENOW, Vid.

Whereas this Court is informed of seūall neglects of the inhabitants of
 Yorkshire in not being furnished with suffycyent armes, powder, &c, as the
 law requires, there beinge no generall officer at p̄sent to call p̄sons for neglect-
 ing to an account, it is therefore ordered, that Cap^t Nic^o Shapleigh shall
 henceforth haue power to call together the cheife officers of each company
 wthin the s^d county, to examine such abuses & defects as may or shall arise
 amongst them, & is hereby impowred to act therein as a major may & hath
 power to doe in the like cases, till the Court take further order herein.

*In the case depending between M^r Thō Rucke, playn^t, & James Wale, [*178.]
 deffend^t, about the third p̄t of a sawmill, sold by the s^d Wale to Edw: Col- M^r Rucks case.
 cord, & by Colcord to the s^d M^r Rucke, the Court, on p̄seall of the evidences
 in the case, doe judge the s^d sales to be illegall, & that the right propriety of
 the s^d third p̄t of the sawmill to be & remayne in the defend^t affore^sd; & doe
 order the s^d Rucke to discharge the charge of the Court for one half day, &
 pay the defend^t costs, which is the sūm of 2^{li} 17 00, as appears by a bill
 p̄sented to this Court.

We, whose names are hereto subscribed, accordinge to an order of the Re^{turne} from
 Squamscott.
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1656. Gen^l Court, in Novemb, 1655, appoyntinge vs to make a just devision of the
 15 May. pattent of Squamscott, doe thus make o^r returne: When we came to pvse
 y^e pattent, we found it to extend, for the length of it, from the lower p^t of
 the Riuer Pascataquah, on the south side of the s^d riuer, vnto the falls of the
 s^d riuer, at Exetur; & for bredth, along the s^d riuer, 3 miles from the falls of
 the head lyne, for the breadth of it, which head lyne we run vpon a south
 east poynt of the compass, which ended three quarters of a mile beyond Aspe
 Brooke, towards Hampton, about forty pole below the highway, where we
 marked a gread red oake on fowre sides. 2^y. From the s^d head lyne we
 measured, for the length, on the northeast poynt of the compass, six miles &
 a halfe, the which extended to that p^t of the bay neere Wincott Riuer. 3^y. We
 measured a second cross lyne, for breadth, begining at Squamscott Howse,
 extending it three miles, vpon the south east poynt, where we did marke
 sefall 1 pine trees.

The rest of the land belonging to the pattent, about & below the great
 bay, we vnderstood to be impassable, as to measureinge, by reason of the ex-
 ceeding thick swamps; but we tooke the best informatiō we might of diuers &
 sefall inhabitants of the great bay & Strabery Banke, & their reports agreed,
 viz^t, that from the lower p^t of the bottom of the bay, neere Cap^t Champouns
 howse, to the riuer, neere the Boyling Rock, or thereabouts, all the neck of
 [179.] land wthin that lyne, *vnto the little bay, contayninge, as neere as men of
 best experience can informe, about fowre miles square, being all within the
 pattent. And whereas, from the easterly p^t of the great bay, beinge a p^t of
 the riuer, we should haue measured three miles into the land, we find in that
 place, by credible information, the land so narrow to the seaward that we can
 allow no more, accordinge to the intent of the pattent, as we vnderstand it,
 then one mile & halfe, to be run from each poynt of the bottom of the bay,
 vpon an easterly lyne, into y^e land.

To the matter of service appoynted vnto vs by the Gen^l Court, concern-
 ing devision of the pattent: we finding the p^sent owners to be of three sorts, or
 rankes, we haue therefore agreed to make three seuerall deuisions; the first
 devision being eyght shares & one quarter, belonging to M^r Nathaniel Gar-
 dener, M^r Thō Lake, & p^tners, we assigne & lay out to them all the land
 from Bloudy Poynt vnto the Boyling Rock, for breadth, or there abouts; & for
 length, extendinge to the lower lyne of the middle devision, which is about
 forty pole from Sandy Poynt, & so the lyne runing southeast three miles into
 the land, as also the land lying vpon the bottom of the great bay, being or
 extendinge one mile & halfe from euery p^t of the bottom of the bay, vpon an
 easterly lyne, into the woods, in which devision of the land & marsh graunted

vnto Douer by the Gen^l Court shalbe & remayne to them for euer, viz^t, the land from Kenyes Creeke to a certayne coue neere the mouth of the great bay, called Hogsty Coue, with all the marsh from y^t place round about the bay, vp to Cotterills Delight, wth fowre hundred acors of vpland, as it is graunted by the Court, bounded, layd out, & possessed by the inhabitants of Dover, wth fifty acors of vpland more, about or neere the great bay, with fifty acors to be layd out & disposed of, by Cap^t Richard Walden, to some of the inhabitants of Dover whom he sees fitt.

1656.

15 May.

The second deuision being eyght shares & one quarter, belonging to Cap^t Thomas Wiggan & partners, who haue purchased & obtayned the same, we assigne & lay out three miles square, beginning at a plump of trees standing on a peece of old planting land *about forty pole below Sandy Poynt, & vp the river vpon a streight lyne toward Exetur, the riuer being the bounds of it on the north side, & at each end to run a lyne vpon the south east poynt of the compass, three miles into the land there, to bound it on that side, pvided that Cap^t Thō Wiggin pay vnto the *the* other two thirds the sum of sixty six pounds thirteene shillings & fowre pence, accordinge to their shares & proportions, in boards, within six moneths, if demanded, which he is to pay at either of his saw mills in Pascataquack Riuer. To the third deuision, being eyght shares & one quarter, belonging to the Shrewsbury men, to which we assigne & lay out all that land from the vppmost lyne of the middle deuision to the mouth of the creeke called M^r Whelwrights Creeke, & the same to run three miles towards Hampton, vpon a south east lyne; all the land between this line & Exeter Falls, to the full extent of the lyne, to ly to Exeter, being graunted to them by deed of guift by Cap^t Wiggan, sole agent for the company.

[*180.]

SAMUEL WINSLOW,
W^m BARTHOLOMEW,
SAMUEL HALL.

The Court allowes & approues of the returne of ths comitte, as is heere exprest.

Propositions to the honord Gen^l Court, the 22th of the 3^d moth, 1656, for settling & fully ending the long contynued differences between the patten-tees of Squanscott & Douer & the neibor towns.

22 May.

1. For the furtherance of the same, Cap^t Thomas Wiggan & Thomas Lake Squamscott. freely surrender & giue vp all their intrest, tytle, & clayme in the lands of the pattent called Winicahanatt, or Hiltons Poynt, vnto the inhabitants of Douer, for euer exceptinge all the lands & howses which the owners improued at

1656. Douer in their planting feilds, which is about sixteen acors, more or less, which remaynes to the sd owners, their heires & assignes, for euer.

22 May.

[*181.]

2. That the Court graunt & giue vnto the third deviſiō of Squamscott, layd out to M^r Nath Gardener, Thomas Lake, & p^{tno} of that deviſion, 4125 acors of land, to be layd out to them or their assignes, either *to them together, or to each p^t or share, one thousand acors, there being eyght shares & $\frac{1}{4}$ in that deviſion.

3. That the charge of the deviſion is twenty pounds.

4. Whereas, in the first deviſion layd out to M^r Gardener & Thomas Lake, there is much lands in the possession of Strabery Banke which is still in difference, that the Court will impowre some cōmissiono^{rs} with full power to end all differences whatsoever between the sd town of Strabery Banke & owners, as also between Hampton & them, the sd owners of the first deviſion.

THOMAS WIGGIN,
THOMAS LAKE.

The Court judged meet to accept of the surrender here exprest, & doe graunt what is desired to the gen^l, &c, as is mentioned herein, & doe order that Major W^m Hathorne, M^r W^m Bartholmew, & M^r Samuel Hall shall & hereby are empowered & athorized by the Gen^l Court as commission^{rs} to treat wth the inhabitants of Hampton & Strabery Banke, & on a full hearing to determine & conclude what they judge meet to be giuen by the townes, & accepted of by the p^{sons}, & to make theire returne to the next Court who are to be allowed for their paynes at the charge of the p^{tyes}, as the cōmissiono^{rs} shall judge.

Norfolke
jurors.

In answer to a p^{et} p^{sent}ed by seuerall of the inhabi^t of Norfolke for releife in respect of the charge of the jurors of that county, who haue serued the country at their owne costs, it is ordered, that if, in time to come, there shalbe ground of complaynt of this nature, they should, vpon request to the county in respect of their necessary expences, be allowed it out of the county treasury by vertue of the law for county Treasurers.

Coggans answ.

In answ: to the p^{et} of M^r John Coggan for the laying out of 500 acors of land giuen to M^r Thomas Coytmore, as by the records of Court doth appeare, & that within the bounds of Wooburne, & to be set out by the Court, vnles the p^{tyes} doe agree. It is therefore ordered, that M^r Thō Danforth, or John Sherman, with M^r Edward Collins & Cap^t Edw: Johnson, be hereby appoynted to lay out the sd lands, according to the graunt, to the vse of the heires of M^r Thō Coytmore, & that at the charge of the p^{et} vntill the right heir be determined, & to make returne to the Court in October next.

There being seuerall townes within this iurisdiction defectiue in not sendinge in their proxies for nomination of magis^{ts}, *and the Court, finding the law that puides agaynst such defects is not so clearly exprest as were to be desired, doe therefore order, that the secretary, after this session, shall returne the names of the townes y^t haue bin defectiue in each county, to the clarke of each County Court, who is hereby required to summon the sefall townes to send some meet pson to the next County Court to answ: in theire behalfe, who shall haue power to impose such fines on such as shall appeare delinquents as the law pvides, or they shall judg meet.

Capt James Oliver hauing sold vnto Major Atherton & the surveyor gen^l 20 barrells of powder, for country pay, & at a very reasonable rate, which, by reason of the scarcitie of powder that yeare, he was enforced at a deare rate to make good his bargan, whereby he was a great looser, which this Court having considered of, thinke meete to allow him ten pounds towards his loss.

Att the request of M^r Bradstreet, it is ordred, that M^r Edw: Jackson, M^r Thō Danforth, & Lieu^t Fisher, or any two of them, shall hereby be authorized to lay out 800 acors of land graunted him beyond Dedham, neere Capt Keanes farme, &c, in one, two, or three pcells, as the place is capable of, they being so many distinct graunts of debt, & not of free giuft.

Jane Hawkins & her sons pfering a pet for her returne into this jurisdiction, her sd pet is not graunted.

In answer to sefall petitions pferd by Georg Halsell & his wife respecting her diuorce, the Court thinkes meet to referre the examination & finall determination of this case vnto the Court of Assistants, to whom properly it doth belonge; & it is hereby ordered, that the sd Joan Halsell shall haue liberty to goe to the publicke meetinges, or elsewhere, without interruption from the sd George, or if the sd Georg shall any wayes molest her till the case be issued, he shallbe committed to pson till he giue bond to the Goū^r, or Dep^t Goū^r, for his good behavio^r; & it shalbe lawfull for any inhabitant, on sight of any disturbance, to rescue her out of his hand, & convent him before authoritie to be committed to pson.

In answer to the pet of M^r Richard Duimer, crauinge an allowance of land for seuentie three pounds by him giuen long since for the countryes vse, by the appoyntment of the Court in the yeares 1637 & 1639, this Court, *this Court, in consideration thereof, doth graunt the pet^r eyght hundred acors of land in any place that is free from form^l grants, & not pjudiciall to a plantation, pvided it be layd out & bounded, & returne made by some survayo^r, wthin one yeare.

George Bunker & Edw: Burk, administrators to the estate of Augustine

1656.

22 May.

[*182.]

Towne proxies.

Capt. Olivers allowance.

M^r Broadstreets land.

Hawkins answ.

Halsells answ.

M^r Duimers answ.

[*183.]

Bunkers answ.

1656.

22 May.

Walker, deceased, havinge made sale of one howse & halfe an acor of land vnto John Trumble, & two acors of land vnto Samuel Carter, & p̄fering a peñ to this Court for the confirmation of the s̄d sales, hath their peñ graunted, p̄vided the s̄d sales extend not to any howses or lands but such as was the proper estate of Augustine Walker.

Bartlett.

Whereas the Court hath bin informed that Robt Bartlett, of Northwot-tuck, alias Northampton, hath comitted a great misdemeano^r, in attemptinge to force the wife of one Smyth of the same towne, & some report that he did force the s̄d Smyths wife, this Court doth therfore order M^r Joh Pinchon, & M^r Elitzur Hollioake to heare the case, & examine the witnesses, & if they judg the case capitall, then to cause the offendo^r to be forthwith sent to the p^rson at Boston, to answer the same at the next Court of Assistants, whither all the testemouyes & examinations are to be sent, & the wittnesses required to appeare at the s̄d Court, but if it be only found by them a misdene^r, in that case they shall bind ouer the s̄d Bartlett to the County Court at Cambridge, in October next, wth suffycient securitie, to answer for his offence, & cause all the testemouyes & examinations in the case to be sent to the clarke of the s̄d Court, sealed vp, & the Court doth hereby giue full powre to the s̄d comisso^{rs}, by warrent, to send for p̄tyes, & make full p̄cess in the case for the fullfilling of this order.

Northamp.
answ.

In answer to the peñ of the inhabitants of Northwattock, alias Northampton, this Court thinkes meet to confirme W^m Houlton, Edw: Elmer, & Thō Bascum to end small causes there, viz^t, vnder 40^s, according to law, & y^t the comission^{rs} of Springfeild are hereby empowered to giue them their respectiue oaths; & further, that such cunstable as shalbe legally chosen there by the inhabitants of the s̄d towne shall repayre to Spring feild, to the fores̄d comisso^{rs}, to take his oath for the faythfull discharge of his place.

Com^{rs} acts con-
firmed.

[*184.]

The comissiono^{rs} for the towne of Waymouth appoynted to end small causes there being chosen, approued off, & sworne by the County Court about some fowre years ^{*years} agoe, according to law, & having bin euer since contynued in that place, (vntil this p̄sent yeare,) were neuer returned to any Court to take their oaths añu^{ly}, yet vpon the requests & earnest desire of sundry of the inhabitants, haue ended many differences amongst them, accord- ing to their best skill; now, to p̄uent any euill consequences which might ensue vpon such a neglect, it was their desire that so farre as any of their act- ings had bin just, & according to law, it might be confirmed & allowed, w^{ch} this Court, vpon their request, did accordingly confirme & allow.

Colcords case.

Forasmuch as information was giuen to this Court, at their last session, that some witnesses in Colcords case were not allowed their charges, at

which Court it was ordered, that it should be in the libtie of Salsbury Court to satisfy such witnesses charges out of the fowre pounds thirteen shillings in M^r Stanions hands, due to the country as a fine, & as yet vnpayd, which $\text{\textit{sd}}$ order hath not bin attended by reason no notice hath bin giuen of the Courts pleasure hearin, it is therfore ordered, that the like liberty shalbe graunted to the next Court at Hampton to act according to the former order, & that the ptyes concerned herein repayre to the secretary for a coppie of this order, that the same may be effected & a returne of the oūplus of the $\text{\textit{sd}}$ sum to be payd in to the county Treasurer.

This Court doth graunt vnto M^r Joseph Hills fīue hundred acors of land neere Northwoodtucke, where M^r Bradstreet & others haue graunts; & it is in consideration of an adventure of 33^{ll} 6^s 8^d, & for seūall services to the country.

1656.

22 May.

M^r Jos. Hills
graunt.

**Att a second Session of the Gen^{ll} Court, held att Boston, the 14th of October, 1656.*

[*185.]

14 October.

WHEREAS there is a cursed sect of heretickes lately risen vp in the world, which are comōly called Quakers, who take vpon them to be immediatlie sent of God, & infallibly assisted by the Spiritt of God to speake & write blasphemous opinions, despising gouernment & the order of God in the churches & comōn wealth, speakeinge euill of dignities, reproaching & reuileing magistrates & ministers, seekinge to turne the people from the fayth, & gayne proselites to their pnitious wayes,—

This Court, takinge into serious consideration the p̄mises, & to p̄uent the like mischeifes as by their meanes is wrought in o^r natiue land, doth hereby order, & by the authoritie of this Court be it ordered & enacted, that what master or comāunder of any shipp, barke, pinnace, catch, or of any other vessell that shall henceforth bringe into any harbour, creeke, or coue, within this jurisdiction, any known Quaker or Quakers, or any other blasphemous hære-tickes as afforesd, shall pay or cause to be payd the fine of one hundred pounds to the Treasurer of the country, except it appeare that he wanted true knowledge or information of their being such; & in that case he hath liberty to cleare him selfe by his oath, when suffycient prooffe to the contrary is wantinge, and for default of payment or good securitie for it, shalbe comitted to prison, & there to remayne till the $\text{\textit{sd}}$ sume be satisfyed to the Treasurer, as afforesd. And the comāunder of any such shipp or vessell that shall bring them, being legally convicted, shall giue in suffycient securitie to the Goūno^r,

1656.

14 October.

[*186.]

£5 penalty for
concealing
Quaker books
or writings.

Exporting
mares.

or any one or more of the magistrates who haue powre to determine the same, to carry them backe to the place from whence he brought them; & on his refusall so to doe, the Goſno^r or one or more of the magistrates are hereby impowred to issue out his or their warrents to comitt such master or comander to prison, there to contynue till he shall giue in sufficient securitie to the content of the Goſno^r or any of the magistrates, as afforesd. And it is hereby ordered & enacted, that what Quakers soeuer shall ariue in this country from foraigne p^{ts}, or come into this jurisdiction from any p^{ts} adjacent, *shalbe forthwith committed to the howse of correctiō, & at their entrance to be seuerely whipt, & by the master thereof to be kept constantly to worke, & none suffred to converse or speake with them dureing the time of their imprisonment, which shalbe no longer then necessity requireth. And further it is ordered, if any pson shall knowingly import into any harbour of this jurisdiction any Quakers bookes, or writeinges concerning their devillish opinions, shall pay for eūy such booke or writeinge, being legally proued ag^t him or them, the some of fīue pounds; & whosoever shall disperse or conceale any such booke or writeinge, & it be found with him or her, or in his or her howse, & shall not imediately deliuer in the same to the next magistrate, shall forfeit & pay fīue pounds for the dispersing or concealinge of eūy such booke or writeinge. And it is hereby further enacted, that if any pson within this colonie shall take vpon them the hereticall opinions of the s^d Quakers, or any of their bookes or papers, as afforesd, ex animo, if legally proued, shalbe fined for the first time 40^s; & if they shall psist in the same, & shall so agayne defend it, the second time fowre pounds; if still, notwithstandinge, they shall agayne so defend it, & mayntayne the s^d Quakers hæreticall opinions, they shalbe committed to the howse of correction till there be convenient passage to send them out of the land, being sentenced to the Court of Assistants to banishment. Lastly, it is hereby ordered, that what pson or psons soeuer shall revile the office or psons of magistrates or ministers, as is vsuall with the Quakers, such pson or psons shalbe seuerely whipt, or pay the some of fīue pounds.

This Court havige heretofore made a law to restrayne the seuerall inhabitants of this jurisdiction from exporting mares from hence into forraygne parts, expecting some such like law to be established in the rest of the colonies, which hitherto hath not bin effected, & not knowinge any reason wherefore this jurisdiction should be restrayned & others left at libertye, this Court doth therefore order, that the s^d law respectinge the exportation of mares be henceforth repealed, & be of none effect.

This Court, takeinge into consideration the necessitie of restrayning from

the Indians whatsoever may be *a meanes to disturbe of peace & quiet, doe order, & by the authoritie of this Court it is enacted, that henceforth no pson or psons inhabitinge within this jurisdiction shall, directly or indirectly, any wayes giue, sell, barter, or otherwise dispose of any boat, skiff, or any greater vessell vnto any Indian or Indians whatsoever, vnder the pœnalty of fifty pounds, to be payd to the country Treasurer, vpon legall conviction, for every such vessell so sold or disposed off as afforeſd.

1656.

14 October.

[*187.]

Vessells.

The secretary, as agent for the colonyes two yeares past, was payd by the Treasurer forty two pounds odd money in Indian corne, at 3^s p bushell, which he could put off but 80 bushells at 2^s 6^d p bushell, on their acc^o, with much discontent, not makeing two shillings or aboue of the rest; the money was payd for the country account in England, & therefore the Court thinkes meet to allow him ten pounds for such his loss, to be payd him now by the Treasurer.

Allowance for
loss to the sec-
retary.

There beinge an order made by the councell of this comonwth, in 53, to impowre Samuel Archer, the marshall of Salem, to reserue in his hands, out of the fines due to the country, the sum of seuteen pounds fiteene, fourteen pounds five shilling, for bringing the prise men to prison, & three pounds 10^s about the vnlading of Mr Gardeners catch, till the Gen^l Court shall otherwise determine, now, the ſd marshall, not beinge able to receiue his dues by fines, by reason of the order that states all fines payable to the seuerall county Treasurers, & their County Court not having fines suffycient to deffray publicke charges, this Court doth therefore order that the ſd marshall be payd his dues, as is aboue exprest, by the Treasurer of the country.

Archers allow-
ance.
S. Arther.

It is ordered by this Court, that the p̄sident & fellowes of Harvard Colledge, for the time beinge, or the major p̄t of them, are hereby empowred, accordinge to their best discretion, to punish all misdemenor^s of the youth in their societie, either by fine or whippinge in the hall, openly, as the nature of the offence shall require, not exceedinge ten shillings or ten stripes for one offence, & this law to contynue in force vntill this Court, or the offseers of the colledge, pvide some other order to punish such offences.

Pridents, &c,
power.

This Court havinge considered of the offences comitted by Nic^o Vpshall, in reproachinge of o^r honord magistrates, & speaking agaynst the law made & published agaynst Quakers, judge meet & haue determined, that the ſd Vpshall, for such his *offences, shall pay as a fine to the country the some of 20^{li}, which if he pay not, his estate shalbe seized vpon by the marshall before he be let out of prison; & also, that the ſd fine beinge payd, he shall depart out of this jurisdiction within one moneth, & not to returne vnder the pœnalty of imprisonment, there to contynue close prisoner vntill he, by publicke

Vpshall cen-
sure.

[*188.]

1656.

14 October.
Mr Knights
answer.

acknowledgm^t before some County Court, he giue satisfaction for what he hath spoken.

Mr Anne Knight p^rferinge a p^et for the abatement of a fine of thirty pounds, for which her husband was engaged for Cap^t Jacob, this Court, vpon her request, thinkes meet to abate ten pounds of the thirty.

Bachelo^rs ans^w.

Mary Bachiler p^rfering a p^et to be divorced from her husband, now in England, the examination of the case is referd to y^e next County Court at Yorke, & the s^d Court to make returne of what they find in the case to the next Court of Assistants, who haue power to issue & determine the same.

Mr^s Nowell &
her sons
graunt.

-- This Court beinge very sensible of the loe condition of y^e late honrd Mr Nowells flamily, & remembering his longe service to this com^{on} wealth, not only as a magistrate, but secritary also, for which he had but little or slender recompence, & the country debts being such as out of the country rate they cannot comfortably make such an hono^rable recompence to his familie as otherwise they would judge meete, therefore to giue & graunt to Mr^s Nowell & her son Samuel two thowsand acors of land, to be layd out by Mr Thomas Danforth & Robt Hale, in any p^t of the country not yet graunted to others, in two or three farmes, that may not hinder any plantati^o to be erected.

Audito^rs an-
swer.

This Court, havinge considered of a paper p^rsented to them by the audito^r gen^l in reference to his office, conceiue it necessary that he contynue in his place & attend his worke vntill the next Court of Election, when the Treasurer hath ffully cleared his accounts; & that the Court to determine concerning the contynuation of such an office in this common wealth.

Cambridg case.

This Court, having considered of the case respectinge Cambridge & those on the south side of the riuer, find it attended wth such difficultyes as will not admitt of a comfortable issue at the p^rsent, doe therefore judge it meet to referre the case to be further inquired into by a com^{it}tee, & to that end haue chosen the Treasurer, *Cap^t Lusher, & Mr Ephraim Child, who are hereby desired to informe themselues more fully of the state of Cambridge, & what-euer else they shall judge meete which may be necessary for this Court to know, & so to make returne thereof to the next Court of Election.

[*189.]

Liberty to sel
guns.

It is ordered by this Court, that the military officers of Dorchester shall & hereby are empowred to sell one of the countrys great guns at Dorchester, p^rvided they buy less in the roome thereof to its full value.

Holmans case.

The County Court held at Boston the 5th of August, 1656, having heard all the evidences in the case concerning Mr Holmans will in reference to John Holman, his son, according to the order of the Gen^l Court, May, 56, doe make this report: that notwithstanding the evidences p^rduced by John Holman, which are one file, they judge the will of the s^d Holman legally proued, & se no

cause to alter the same ; which returne of the County Court this Court thinks meet to approue off in this case.

Edward Goffe, of Camb, pfering a pet for about 20^{li} due to him from the country, in answ: wherevnto the Court thinks meet to referr the examination of this case to the country Treasurer & M^r Ralph Mousall, & w^t they shall find to be due to the pet^r vpon a just acc^o, it is hereby ordered, that it be payd out of the publicke treasury.

Whereas there was a bre p^sented to this Court from the Gen^l Court at Hartford, together wth sciall questions of practicall concernment in the chhs, wherein they p^pound their desires of o^r concurrence wth them in desireing the helpe of the elders for the resolution & clearing of the sd quest, & for that end that a time & place of meeting be assigned by this Court, & notice thereof may be giuen to the rest of the colonyes, that they may haue an oppertunitie to contribute their assistance to this worke, the Court, considering the p^mises, doth order, that M^r Norton, M^r Mather, M^r Allin, M^r Thacher, of the county of Suffolke, M^r Buckley, if he be able, M^r Chauncy, M^r Symms, M^r Sherman, M^r Michell, of the county of Middlesex, M^r Norris, M^r Ezekieil Rogers, M^r Whiteing, M^r Cobbett, of the county of Essex, be desired to meet at Boston the first 5th day of June next, following, to confer & debate the sd questions or any other of like nature that shall or may be p^pounded to them by this Court, either amongst themselues or wth such diuines as shalbe sent to the sd meeting from the other colonyes, & it is expected if the resolutions of the sd questions, together wth the grounds & reasons thereof, be p^sented to the Gen^l Court, *to be com^municated & com^mended to such of o^rs that want information therein ; & it is hereby ordered, that Rob^t Turner take care to p^pvide convenient entertaynment for the sd gen^t d^ureing their attendance on the sd meeting, & that the charge of those of this jurisdiction be defrayed by the Treasurer. And it is further ordered, that a coppie of this order, together wth y^e bre & quearies from Conectecott, be sent to all the confederate colonyes, wth tres from this Court, desireing their assistance in this busines at the time & place afforesd, & the secretary to send copies hereof wth quearies to each county, to be com^municated to y^e rest.

Seuerall of the inhabitants of Norfolke, desireing to list themselues for troops, & to begin to rayse a troope of horse in that county, haue their requests graunted, & they to enjoy the priuiledges of troops, p^pvided their numbers & furniture be sufficyent according to law.

Lieu^t Drew pferinge a pet, desireing to be exempted from payinge custome of wines, in regard he had payd the tenth before for the states vse, which the Court saw no reason to graunt, but ordred, that the sd lieu^t & the

1656.

14 October
Goffe answ.

About y^e 21
quest.
Questions pro-
pounded by
Connecticut.

[*190.]

Pvision for y^e
ministers.

Norfolke
troop.

Drewes answ

1656.

14 October.
Corletts answ.

rest of his company shall pay the customes, according to the order of Court, of the wines brought in the last vessell.

Elijah Corlett p̄fering a petition, in the behalfe of Frauncis Browne & Adeia, his wife, relict of George Bennett, for the confirmation of the sale of a howse to them, belonging to John Shaw, haue their request graunted, & the s̄d sale confirmed.

Hampton
bounds.

There having bin heretofore an order of this Court, appoyntinge seuerall comission^{rs} to settle the bounds betweene Hampton & Salisbury, which is not yet effected, the s̄d comission^{rs} not appearinge, that a finall issue may be put therevnto, this Court doth appoynt Capt Brian Pendleton, M^r Georg Gittens, Robt Lord, & Ensign Howlett, or any three of them, to settle all differences between the two townes, in reference to their bounds, according to the last order of this Gen^l Court, makeing their returne to the next Court of Election.

[*191.]

M^r W^m Hubbard hauing long since disbursed 50^{li} for publicke vse in England, for which he had land formerly graunted him vpon the bounds of Hañell, but being disappoynted thereof, vpon his peñion, & the relinquishing of his former graunt, this Court thinkes meet to graunt him one thowsand acors of land in any place or places that he can find lying out *of any former graunts or townships beyond Exeter Riuer, towards the east or northeast, to be layd out by M^r W^m Bartholmew, M^r Samuel Hall, & M^r Thō Bradbury, or any two of them, in the place before exprest.

Samuels an-
swer.

John Samuel, of Boston, p̄feringe petition for liberty to sell a p̄cell of land, in which his children haue an intrest, hath his request graunted, on condition his s̄d children may be instated in so much howsing or land in some other place, as is exprest in his petition, & it is left to the comissn^{rs} of the towne of Boston to se the same effected.

Faur's ouer-
seers.

B. Fawer will.

We, whose names are vnderwritten, ouerseers to the last will & test of Barnabas Fawer, havinge mett together with Joh Johnson, that maryed the executrix of the s̄d Fawers will, haue agreed that the two howses lately in the possession of Barnabas Fawre, beinge somewhat better then the one whole halfe of that estate, shalbe & remayne the inheritance of Eliazur Fawer, only child of the s̄d Barnabas; the rest of the estate, consistinge in goods & debts, hereby is & shalbe enstated on M^r John Johnson, in right of his wife; & it is further agreed, that the oūseers of the s̄d will shall pay vnto the s̄d John Johnson thirteene pounds, out of the next rents of the two howses aboue mentioned, to make his part equall with the childs halfe, with a wood lott, beinge the 9th from Cambridge line to the s̄d John Johnson & his heires, w^{ch} s̄d lott came from Thomas Negus to the s̄d Grace Fawer, all which, at the

request of the psons herein mentioned, this Court thinkes meet to confirme & allow.

1656.

14 October.
Burts answ.

Edward Burt p̄ferringe a p̄t for rēpation of some loss sustayned by reason of an escape made out of prison by Capt John Hudson, who was debto^r to him the some of 18^{li}, re^u this answer: though the Court doe not conceiue the country is bound to secure prisoners, or pay the damage which may arise by their escape, yet in regard the p̄tio^r is but loe in his estate, they are willinge to bestow vpon him two hundred acors of land, where he can find it, according to law.

John Permenter, of Sudbury, hauing expended the sum of 17^{li} 5^s 02^d in entertayninge both the councell & cōmittee appoynted to end their differences, this Court orders the s̄d charge to be borne by all the towne, & leuied as is vsuall in other rates.

Parmeters
ans.

Whereas it appeares to this Court, by a copie of record, that there is due to M^r Deane Winthrop a thowsand *acors of land, somtimes graunted to his honrd father, which hitherto hath not bin layd out, now, vpon his p̄t to this Court, it is ordered vpon the p̄t of M^r Deane Winthrop afforesd, that the s̄d thowsand acors of land be graunted to him, to take it where he can find it free from former graunts, & not hindering a plantation, accordinge to law.

M^r Winthrops
grant.

[*192.]

Daniel Fayrfeild, vpon his p̄t to this Court, hath libty to goe for England, in one of these shippes now bound thither; provided if he come agayne he shall forthwth returne to the same condition agayn as now he is in, & be cōmitted forthwth to prison.

Daniel Fayr-
feilds answ.
leave.

There being a p̄cell of wines sent into this harbour p̄ M: Sedgwick, the custome whereof amounted to vpward of forty pounds, which the farmer of the customes was vnwilling to recouer by a course of law, having no encour- agm^t thereto from the gouernment, now, vpon the p̄t of W^m Phillipps, the farmer, it is ordered, that he be allowed thirty pounds, in reference to the s̄d custom of wines, vpon account wth the audito^r, which he is willinge to accept of in full for the s̄d custō of wines.

L. Ptecto^m
wine.

1657.

6 May.

[*193.]

**Att a Session of the Gen^l Court, at Boston, May 6th, 1657.*

Chosen : —

Gouverno ^r , John Endecott,	} Esq ^r .
Dep ^t Gour, Richard Bellinham,	

M ^r Bradstreet,	} Comissiono ^{rs} .
Majo ^r Denison,	

M^r Bradstreet M^r Symonds, Cap^t Wiggan, Cap^t Gookin, Majo^r Denison,
Majo^r Atherton, Majo^r Willard, Assistants.

M^r Rich Russell, Treasurer, & M^r Edward Rawson, Secret^y.

The names of the Deputyes.

Salem : Majo^r W^m Hawthorne.

Charlstown : M^r Richard Russell, Thomas Lynde.

Dorchester : Lieut Roger Clapp, Ensigne Foster.

Boston : Cap^t Thō Savage, Cap^t Thō Clarke.

Roxbury : M^r John Johnson, M^r Phillip Elliott.

Watertown : M^r Ephraim Child, M^r Charles Chadwick.

Lyn : M^r Thomas Layton.

Cambridge : M^r Edward Collins, M^r Thō Danforth.

Ipswich : M^r William Hubbard, Lieut John Appleton.

Newbery : Lieut John Pike.

Waymouth : Thomas White.

Hingham : M^r Jerimiah Howchen.

Concord : M^r Robt Meriam.

Dedham : Cap^t Eliazur Lusher.

Salsbury : M^r Thomas Bradbury.

Hampton : Robt Page.

Rowley : Maximilian Jewett.

Brantree : Samuel Bass.

Douer : Cap^t Richard Walden, M^r Vallentine Hill.

Wooburne : Cap^t Edward Johnson.

Kettery : Humphrey Chadburne.

Majo^r W^m Hawthorn chosen Speaker for y^e first session.

W^m Torrey chosen Clarke for the yeare ensueinge.

About inherit-
ances.

THIS Court, takeing into serious considera^{co} the great neglect of many psons, in the infancy of these plantations, to obserue any due order or legall course for the confirmation of such sales & alienations of howses & lands as haue passed, which thing may be of very ill consequence to posteritie in future times, doe therefore order & hereby enact, that any pson or psons that

hath, either himselfe or by his graunters or assignes, before the law made for directions about inheritances, bearing date October 19, 1652, possessed & occupied as his or their owne pp right in ffee simple any howses or lands within this jurisdiction, & shall so contynue, whether in their owne psons, their heirs or assignes, or by any other psons, from, by, or vnder them, without disturbance, lett, suit, or denyall legally made, by havinge the clayme of any such pson thereto entered with the recorder of the county where such howses or lands doe ly, with the name of the pson so clayminge, & the qualitie & bounds of the land & howses claymed, & such clayme psecuted to effect within the terme of fve yeares next after the 20th of this p^{sent} m^o, euery such pprietor, their heires & assignes, shall for euer after enjoy the same without any lawfull lett, suit, disturbance, or denyall by any after clayme of any pson or psons whatsoener, any law or custome to the contrary notwithstandinge.

1657.

6 May.
Law on recording deeds.

*And for all bargains & alienations made or to be made after the fore^sd [*194.] terme, that euery pson concerned therein obserue the direction giuen in the aboue recited law vpon pill of suffering all the dammage that shall accrew
^ them, their heires or assignes, by neglect thereof.

Itt beinge found by experience that the country is much troubled to psecute offences of an inferio^r nature, & to execute & pforme what the law in sefall cases requires, by reason that y^e magistrate liues farr remote from some p^{ts} of the country, it is therefore ordered, that for this p^{sent} yeare, Major W^m Hathorne in Salem, Lyn, Marblehead, & Manchester, M^r Richard Russell in Charlstowne & Malden, Cap^t W^m Gerrish for Newbery, M^r Bradbury for Salisbury, Cap^t Edward Johnson for Wooburne, Redinge, & Bilerica, W^m Torrey for Hingham, Waymouth, & Nantaskett, Cap^t Eliazur Lusher for Dedham & Meadfeild, be impowred in all criminall cases, binding ouer offenders, taking testimonyes vpon oath, swearing of cuustables, takeing acknowledg-^{mt}s of deeds, mariages, to act in their respectiue places as any one magistrate may doe, of all which acts they are to keep a due record, which they shall returne to the Court of the county to which they belonge; & all lawes empowreing the comission^{rs} for y^e ending of small causes (except the comission^{rs} of Boston & Yorkeshire) to act in the cases affore^sd are hereby repeald.

New comiss^{rs}.
Persons authorized to do the duty of magistrates.

Forasmuch as there are many complaynts of the great sufferinge of the families of diuers reucrend ministers of Gods word, wthin this jurisdiction, for want of such suteable supply as their state & condition doe require, the which thing, if reall, tendeth not only to y^e reproach of the ch^hs of Christ planted in these p^{ts}, but also to the scandall of o^r p^{fe}ssion, & the loss of the Lords favourable p^{se}nce wth vs, this Court doth therefore order, that Cap^t

Comittees ministers.
Committee to inquire into the state of ministers widows & children.

1657.

6 May.

Savage, Cap^t Lusher, & M^r Surveyor Johnson for Suff^r; M^r Rich Russell, Cap^t Edward Johnson, & M^r Edward Collins for Middlesex, Major W^m Hawthorne, M^r Hubbard, Senior, & Cap^t Gerrish for Essex, Cap^t Pendleton, M^r Vat Hill, & M^r Bradbury for Norf^r; be comⁱtees empowred respectuely within the seuerall countyes to enquire concerning the truth of the sd complaynt, & if any be of the ground & cause thereof, as also where they shall find any defect, to enquire into the state & condition of the people to whom such minister doth belonge, & make returne thereof to the next session of this Court, that so this Court, which are, by Gods p^rmise, nurseing fathers to y^e chhs, may se that there be meat in Gods howse, & the Lord may still delight in vs to dwell amongsts vs, & to bless both vs & o^r poore posteritie, & the sd scandali p^rvented for y^e future.

Peltry.

Furr trade with
Indians only as
directed.

Whereas the trade of furs with the Indians in this jurisdiction doth p^rperly belonge to the com^on wealth, & not to p^rticular p^rsons, who without lib^tie of this Court doe trafficque with the Indians, as it may be justly feared, seuerall phibited commodities, as gunns, powder, shott, strong liquors, &c, this Court doth therefore order & declare, that no p^rson or p^rsons, directly or indirectly, after the publication hereof, doe trate wth the *Indians for any sort of peltry, excepting only such as are authorized by this Court, or those deputed by them, on the p^renalty of one hundred pounds fine for euery offence. And this Court doth hereby invest Cap^t Daniel Gookin, M^r Richard Russell, M^r Edward Tyng, Cap^t Edward Johnson, M^r Edward Collins, & M^r Edward Jackson, or any three of them, with full power to find out the best way & meanes, & to make agreement & contract with such able & honest p^rsons as shall tender themselves to p^rsecute the Indian trade for the best benefitt of the country, & suppressing of all irregularitys therein, & that all informers of the breach of this order be allowed ten pounds for euery offence, out of delinquents fines, & this order forth wth published by posting copies in all the townes.

[*195.]

Watches.

For the better ordering & regulating of constables watches, which in se^ruall respects are found defectiue, it is therefore ordered, that henceforth it shalbe in the power of the select men in each towne within this jurisdiction, or the major p^rt of y^m, to order & dispose of the sd watches, both in respecting time, place, number, qualitie of p^rsons, & what else may conduce thereto, so as to them shall seeme most meete.

Lambs.

There beinge a law made in the 6th moth, 54, to restrayne butchers from killing ram or weather lambs vntill they shalbe two years old, sub p^ren^a 20^e, which sd law this Court doth hereby repeale.

Non-liquets.

Law cases, di-
rections in.

Whereas in all ciuill cases depending in suit, the p^rt affirmeth y^t y^e deffend^t hath done him wrong, & accordingly p^rsents his case for judgm^t &

satisfactiō, it behoueth the Court & jury to se y^t the affirmaciō be pved by sufficient evidence, else the case must be found for y^e deffend^t; & so it is also in a criminall case, for in the eye of y^e law eūy man is honest & innocent vntles it be pved legally to y^e contrary. All evidence ariseth p̄tly from matter of fact, & p̄tly from law or argument: y^e matter of fact is alwayes feizeable to be judged off as well by the jury as by the Court; & concerning y^e law, or y^e poynt of law, in reference to y^e case in quest^t, it is more easy & generally knowne or more difficult to be discerned. The duty of y^e jury is, if they doe vnderstand the law to the satisfactiō of their consciences, not to put it off from themselves, but to find accordingly; but if any of y^e jury doth rest vsatisfyed what is law in y^e case, then the whole jury haue libtie to p̄sent a speciall verdict; viz^t, if y^t law be so or so in such a poynt, we find for y^e playn^t; but if y^e law be otherwise, we find for the deffend^t, in which case the determinatⁿ is left to the Court. And whereas the clause in y^e law, pag 32, mentioning, where evidence is obscure, the jury may bring in a non-liquet, which words hath occasioned much trouble & delay in civill p̄ceedinges, this Court doth hereby repeale the sd clause, & directeth according to what is aboue expressed for the future.

It is ordered by this Court & the authoritie thereof, y^t euery pson or psons having notice giuen or otherwise left in writing at their howse, or place of vsuall abode, of any of their cattle impounded or otherwise restrayned, shall forthwth giue satisfactiō to the p̄ty wronged, or otherwise replevie their cattle & p̄secute according to law, vpon pill of suffering all y^e loss & damage y^t shall come to their cattle by standing in the *pound, or other lawfull place of restraynt, vntill such time as the p̄tie wronged shall recouer his damage in a legall way.

Whereas this Court hath made seuerall orders for the p̄venting of excessiue drinkinge & drunkenes amongst the Indians, & yet, notwthstandinge, there is little or no reformation in that kind, but it appeareth, by complaynts from all p̄ts of the country, & that by frequent experience, that no moderation can be attayned to p̄vent drunkenes amongst them, the fruits whereof are murther & other outrages, this Court doth therefore, the p̄mises considered, hereby wholly p̄hibite all psons, of w^t qualitie soeur, henceforth to sell, truck, barter, or giue any strong liquors to any Indian, directly or indirectly, whether knowne by the name of rum, strong waters, wine, strong beere, brandie, syder, or peurry, or any other strong liquors goeing vnder any other name whatsoever, vnder the p̄nalty of 40^s for one pint, & so p̄portionably for greater or lesser quantyities so sold, bartered, or giuen, directly or indirectly, as afforesd; & for the better execution of this order, all trucking

1657.

6 May

Replevins.
Cattle impounded.

[* 196.]

Severe penalty
for selling
spirit of any
kind to
Indians.

1657.

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howses erected, not allowed by this Court, shalbe forthwth demolished; & for the better effecting of this order, it is declared, that one third p^t of the penalty shalbe graunted to the informer. It is also hereby declared, that speciall care shall be had by the grand juryes of euery Shire Court to inquire & p^sent to the Court what they find to discouer matter *matter* leading to such a practise agaynst the true intent of this law; & all other orders, giueing liberty to sell strong liquors to Indyans, are hereby repealed, & all licenses formerly graunted are hereby disabled & cald in; p^rvided alwayes, that it is not intended that this law shall extend to restrayne any p^{er}son from any charitable act in relieueinge any Indian, bonâ fide in case of suddaine extreamitie by sicknes or fayntinge which cals for such helpe, not exceedinge one dramm, nor when any phisition. shall p^rscribe, in way of phisicke, any of the p^rtyculars before mentioned, so as vpon sight of his direction, in writing, there be allowance had vnder the hand of one magistrate, or, where no magistrate is in the towne resideinge, vnder the hands of the towne commission^{ers}, or any two of them.

Rates rectified.

Whereas it is evident that there is much injustice & inæqualltye in the assessments of publicke rates in each towne within this jurisdiction, whereby some are eased & others burthened, & the common wealth p^rjudiced, for the p^rvention whereof it is ordered by this Court, that howses & lands of all sortes shalbe rated at an indifferant value, according to their worth in the townes & places where they lye; also euery bull & cow of fower yeare old and vpward at three pounds; heifers & steeres between three & fowre yeare old at fifty shillings, & between two & three yeare old at forty shillings, & between one & two at 20^s; *euery ox of fowre yeare old & vpward at 5^{li}; euery horse & mare of three yeare old & vpward at ten pounds, between two & 3 yeares old at 7^{li}, of one yeare old & vpward at 5^{li}; euery ewe sheepe aboue one yeare old 25^s; euery goate aboue one yeare at 8^s; euery weather sheep aboue one yeare at 10^s; euery swine aboue one yeare old at 20^s; euery asse aboue one yeare old at 40^s; & in all other respect^l to p^rceed as is p^rvided in the printed law, title Charges pub^l, and according to the law for rectifying assessments made May, 51, that so many great estates, though more obscure & difficult to find out, may beare their due & just p^rportion with such estates as are more obvious & cannot be hid.

[*197.]

Births, deaths,
&c. to be
recorded.

This Court, takeing into their consideratiō the great damāg y^t will vna-
voydably accrue to the posteritie of this cōmon weale by the gen^l neglect of
observing the law injoyning of records of all births, deathes, &c, doe there-
fore order, that henceforth the clarke of the writts in each towne respectiuey
take due care for effecting the same, according to the intent of the affore^sd

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law ; & in case any pson or psons shall neglect their duty required by the sd law more then one moth after any birth, death, or mariage, the clarke of the writts shall demaund the same, wth 12^d a name for his care & paynes ; & in case any shall refuse to satisfy him, he shall then returne the name of such pson or psons to the next magistrate or comissiono^{rs} of the towne where such pson dwells, who shall send for that p^{tie} so refuseinge, & in case he shall still psist therein, shall giue order to the cunstable to levie y^e same ; & if any clark of y^e writts shall neglect his duty hereby injoynd, he shall pay the following p^{en}alty, viz^t : for neglect of a yearly returne to y^e County Court, 5^{li} ; & for neglecting to returne y^e name of any pson returneable by this law, whether borne, maryed, or dead, more than 30 dayes before his returne to the County Court, 5^s. And that no future neglect may be herein, the recorder of each County Court is hereby enjoyned from time to tyme to certefy the Countie Courts, respectiuey, the names of all such clarkes as shall neglect to make their yearly return according to this law, who, vpon notice giuen, shall send for such clarke, & deale in the case according as law requir^eth.

For asmuch as the recorders of y^e scūall countyes are by law injoynd to Record^{rs} fees. record all wills & inventoryes, mortgages, & sales legally brought vnto them, & safely to keepe the same, & as yet no law hath p^{ro}vided or determined their just recompence, this Court doth therefore order, that the fees of the recorder or clarke of any County Court shalbe as followeth, viz^t : for entry of a mortgage or sale of howse or lands verbatim, not exceeding a pag^e, consisting of 28 or 30 lines, 8 words in a line, 12^d, & p^{ro}portionably for what it shall exceed ; & for attesting the record on the originall deed, 6^d ; & in like manner for wills & inventoryes, wth 6^d a peece for filing vp the originall, & saffe keeping thereof ; & for entring the examination & p^{ro}ceeding^e in Court in any criminall case, or p^{re}sentm^t wth the judgm^t of the Court therein, 2^s 6^d ; & for entry of a recognizance, 12^d ; to be payd or secured in Court by the delinquent ; and *for [*198.] entringe an order, as for the determining of an estate of such as dyed intestate, or other, wherein the Court is to giue their aprobat^{ion} or determination, 12^d.

Seing it is difficult to order & keepe the howses of publicke entertaynment in such conformitie to the wholsom lawes established by this Court as is necessary for the p^{re}vention of drunkenes, excessiue drinkeing, vayne expence of money, time, & the abuse of the good creatures of God, it is therefore ordred by this Court & the authoritie thereof, that no pson or psons hereafter shalbe lycensed to keepe a howse of common entertaynment, or to sell stronge waters for any longer then one yeare at one time ; & that such as keepe howses of publicke entertaynment, or sell strong waters, which for th^e p^{re}sent are lycenced, (the p^{re}sent vintno^{rs} dureing their contract excepted,) Lycences limited.

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shall & hereby are enjoyned to repayre once w^{thin} this yeare to their seuerall County Courts, for renewing their licences, according to this law, for which they are to pay two shillings six pence to the clarke of that Court, or else they shall forfeit & pay as vnlicenced ale-howse keepers, for euery offence, 5^{li}.

Lancasters
answ.

In answer to the petition of seuerall of the inhabitants of Lancaster, Majo^r Symon Willard, Cap^t Edward Johnson, & M^r Th^o Danforth, are empowered as a committee to heare & determine seuerall differences amongst them, & to manage the prudentiall affayres of the towne vntill they shalbe furnished with men capable for that imployment, according to law.

Presidents
graunt.

This Court doth graunt to M^r Charles Chauncey, president of Harvard Colledge, 500 acors of land, to be layd out in any place not for^mly graunted by this Court, by Edward Goff & Ensigne John Sherman, surway^r.

Jephyses
answ.

In ans^w: to the pe^t of John Jephson, for releife in respect of a Scottish servant, which is burdensom by reason of a disease, the Court saw no reason to graunt his pe^t, but referd him for releife to the towne of Boston.

Fernvn Haddon, being destitute of an habitation, for answer to his pe^t to this Court, is referred to the order of the last County Court att Boston for releife, which doth fully p^rvide in the case.

Grossee ans^w.

Clement Gross p^rfering a pe^t for liberty to keep an howse of publick entertainment, which the Court thinkes not meet to graunt.

Stebbins ans^w.

Martin Stebbins p^rfering a pe^t for lib^tie to sell strong beere, which s^d pe^t the Court saw no reason to graunt.

Dauison ans^w.

The Court having heard what M^r Davison, in the behalfe of Doctor Whichcott & Rebecca, could say, & on p^rvseall of y^e acc^o, they haue voted the former answer, giuen by the Gen^l Court to M^r Davisons pe^t, in the like nature, bearing date 15 Octob^r, 1650, to be the answer to his pe^t, now p^rsented to the Court.

Ines ans^w.

Mathias Ines being fined 5^{li} by the County Court, for breach of a law, desiring the abatement of it, his pe^t is not granted.

Mauericks fine
remitted.

M^r Samuel Mavericke, being bound in a band of 20^{li} for the good behavio^r of one Hogsflesh, which his said band was forfeited, vpon his pe^t to this Court, his whole engagment is remitted.

[*199.]

Portmouth
answ.

*In answer to a pe^t from seuerall of the inhabitants of Portsmouth, for settling of a minister, as also their meeting howse, for the p^rvention of further inconveniencies touching the same, that the pe^{tio}^{rs} nominate & choose one man, the rest of y^e inhabitants another, & the County Court of Douer a third, who are hereby authorized to goe on the place, & to here what on both sides shalbe alleaged in the p^rmisses, & determine y^e same as they shall judg most conducing to y^e peace & welfare of y^e town; & in case y^e partyes shall refuse to p^rceed to choose as affore^sd, it is then referd to y^e County Court at Douer,

to make such order therein as they shall judge best conducing to y^t end, & cause returne to be made to y^e next Court. 1657.

It is ordered by this Court, that all lawes in force of pub^l concernm^t, not yet printed, be forth with transcribed by the secretary, & sent to the press forth with, to be printed at y^e publick charg, & the printer to be payd by the Treasurer. 6 May.
Lawes printed.

It is ordered by this Court & authoritie thereof, y^t M^r Bradstreet, Cap^t Wiggins, Cap^t Gookin, & Majo^r Gen^l Denison, with the rest of the com^{is}sioners which are appoynted to keepe the County Courts at Yorke, Douer, & Hampton, the dayes appoynted by law; & at their being at Yorke whiles M^r Bradstreet or Majo^r Denison be there, according to the com^{is}sion & instructions which the former com^{is}sioners receiued from the Gen^l Court when the former eastern inhabitants were tooke in, that so they may not only take in such as are wthin o^r limitts, vnder this gouernment, but also to appoynt & settle them in such a way of gouernment, with commissioners, cunstables, & other officers, as they may be enabled to p^{er}sue the peace, & defend themselves from tumults, & settle due ministry amongst them, that so they may liue according to God, vnder such ordinances they are capable of; & further, that the s^d com^{is} take a due & effectuell course for the bringing in of John Boniton to a due triall, at Boston, for his abusive cariage & speach agaynst this gouernment, & y^t they p^{ro}portion each of the townes in those p^{ts} to pay the seuenteen pounds 10^s for time past & time to come. Com^{is}sion^{rs} at
Yorke.

In answer to the petition of Henry Sherburn, who, for reasons exprest in his petition, renounceth the executorshipp of Am^b Gibbons, which this Court doth allow & approue off, & grants administration to the estate of the s^d Ambrose Gibbons to y^e s^d Henry Sherbourn, & orders, that after the debts of y^e s^d Gibbons be satisfied, that Samuel Sherbourn, his son, shall haue a double portion, & the rest of that estate be equally distributed amongst the rest of the children; and this Court doth hereby further impowre the s^d Henry Sherbourn to sell & make good tytle to the howse & lands of y^e s^d Gibbons, to whom he shall sell the same. Sherburn ans^r.

Thomas Boreman, of Ipswich, desireing to be ratefied in reference to his building of a bridge, is denyed his request; but so far as his p^{et} hath respect to others making vse of it, the Court judges it equall that none make vse thereof but by his allowance or contract wth him. Boreman^s
ans^r.

This Court thinkes meet to graunt vnto Cap^t Thomas Clark, for some reasons, 300 acors of land on this side Conectecott Riuer, neere the lands lately graunted to M^r Bradstreet & M^r Symonds, p^{ro}vided it hinder no former graunt. Cap^t Clarks
gr^{nt}.

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[*200.]

*There beinge, about two years since, 200 acors of land granted to Major Gen^l Denison, in reference to his service to the eastward, now, this Court, on a second motion, thinkes meet to make an addition of 300 acors to his first grant, & to be layd out at North Wootuck, or some other place free from former graunts; pvided, that the 200 acors only take plaċ before M^r Bradstreets 500 acres.

M^r John Johnson having bin long serviceable to the country in the place of surveyor gen^l, for which he hath never had any satisfaction, which this Court considering off, thinkes meet to graunt him 300 acors, in any place where he can find it, according to law.

Major W^m Hawthorn having bin employed, with other gen^l, in settling the gouern^t in the eastern p^ts, for which no satisfaction was euer made, this Court, by way of thankfull acknowledgm^t for that service, thinkes meet to grant him 300 acors of land, where he can find it, according to law.

Major Willards
grant.

Graunted to Major Symon Willard, for service to this collony, 500 acors of land, in any place where he can find it, according to law.

Cap^t Gookins
grant.

Graunted to Cap^t Daniel Gookin, for service done to this comon wealth, 500 acors of land, where he can find it, according to law.

Treasurers
grant.

Graunted to M^r Richard Russell, Treasurer, for service done in y^t place for many yeares, for which no yearly recompenc hath bin allowed, 500 acors of land, in any place not formerly graunted, or vpon Nipnop Riuer, at his choyce.

M^r Endecotts
grant.

Graunted to o^r p^sent honord Gouverno^r, Joh Endecott, Esq^r, a thowsand acors of land, in lieu of 75 pound payd by him & his wife in the gen^l aduventure at first, where he can find it, not pjudicing any former graunt.

M^r Rawsons
grant.

Graunted to M^r Edward Rawson, scē, in refference to his service to the eastward, 200 acors of land to what he hath already had to be layd out, not interfering with former graunts.

M^r Bradstreets
graunt.

M^r Bradstreet hath libertie graunted him to take the 500 acors of land graunted vnto him at the Court in August, 53, on this side Conectecott Riuer, next the 200 acors formerly graunted him there, in such place as he can find most convenient, either below or aboue the new towne that is on the other side of the riuer, as also to agree or compound with the Indians for their intrest therein, if the case so require; pvided, that Major Gen^l Denisons 200 acors may take place before M^r Bradstreets fiue hundred acors, as also that it hinder no former graunt.

[*201.]

M^r Symonds
grant.

*Graunted to M^r Samuel Symonds, that he may take 300 acors of land as part of his former graunts, (by way of exchang,) to be layd out *to be layd out* by M^r Bradstreets land on this side of Conectecott Riuer, & to compound

with the Indians for their intrest, if the case so require, pvided it hinder no former graunt.

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Its hereby ordered, that the p̄sent secretary take care to make such p̄visions for the cōmission^{rs} as he shall judge necessary, both for p̄vision & attendants.

6 May.
Secretary to
pvide for
cōm^{rs}.

Nicholas Norton, constable of Weymouth, is allowed three single coun- try rates for all his owne estate for loss of an ox payd in to him in collecting the country levye.

Nortons
exemption.

The inhabitants of Chelmsford being vnder a fine for not observing the law about nominatiō of magistrates, vpon their p̄t to this Court their fines are abated to 20^s.

Chelmsford fine
abated.

Joh Sterne, cunstable of Bilerica, being vnder a fine for not warning the freemen to meet about the nomination of magis^{ts}, vpon his p̄t to this Court, hath his fine remitted.

Bilericas fine
remittid.

Cap^t Rich Walden, a deputy for Dover, having vrgent occasi, vpon his request, is dismiss the Court.

Hugh Gunison, being returned by the cunstable of Kettery to serue as a dep^t for y^t towne, vpon information agaynst him, was judged vnmeet for y^t service, & so dismiss y^e Court, & discharged from what imployments he hath had, both in military & judiciary affayres.

Gunisons cen-
sure.

Layd out to the vse of the inhabitants of Bilereca 8000 acor of land lying vpon Merimacke Riuer, on both sides thereof, takeing in the new trucking howse now inhabited by John Crumwell, the sd land being layd out about 6300 acors on the east side the riuer, & about 1750 acors on the west side y^e sd riuer, & is bounded by the wildernes surrounding the same, as is demonstrated by a plott p̄sented to this Cou^t by Majo^r Willard & Cap^t Johnson, appoynted to lay out y^e same, the returne of which cōmissio^{ns} was approued of. P Curiā.

Bilericas
graunt.

In answer to the p̄t of Georg Wallace, refering to a bargan between Samuell Bennet & himselfe, the Court thinkes meet that in regard the petitiono^r sustayned the loss of about forty pounds, or more, to attayne a release of the bargan betwixt him & M^r Bennett, wherevpon he receiued most of the goods agayne, that the fine respecting this case should be remitted; but forasmuch as the petition^r sold to others at oppressing prizes, the Court orders that he should pay ten pounds of the fine imposed vpon him.

Wallice an-
swer.

In answer to the p̄t of Samuel Bennett, the Court vnderstanding that the petition^r receiued of M^r Wallace about forty pounds, or vpward, meerely for the release of the bargan between them, all other charges the p̄t^r was necessarily occasioned thereby fully satisfied, so farr as is made to appeare, doe there judg it not meet to graunt the petition, in remittin the fine in whole or in part.

Bennetts an-
swer.

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Chasimors case.

An Indian rescued from the
marshall.

*The Court, hauing read & considered of the seuerall trespases & papers refering to the rescue of Chasmore, of Pantuxit, thinke it necessary that something be done to vindicate o^r just right of judicature ouer them, & that we should not pass ouer in silence the affront offered to the marshall, & those y^t were wth him, by the men of Providence; & although we ought to signifie to the president o^r good acceptance of his readynesse to apply himselfe to what may conduce to wayes of peace & righteousness, yet that we also lett him vnderstand o^r deep sence of the injury done vs in p^rventing vs in the p^rsecution of justice agaynst delinquents, desiring the s^d president to consider of some way for giueing due satisfaction to vs in doeing justice vpon such p^rsons as vpon examination shalbe found guilty, according to the meritt of the fact, that so, justice having a ffree course amongst vs, peace & amitie may be mayntayned between the two jurisdictions; & it is o^r desires that o^r p^resent honrd Gouverno^r & Deputy Go^rno^r, by trespases, with all convenient speed to let the s^d president vnderstand the Courts pleasure herein.

Hampton
bounds.

In answer to the p^ret of the inhabitants of Salisbury, in refference to the settling of the bounds between Hampton & them, the Court hath nominated Lieu^t John Applton, M^r Joseph Metcalfe, & M^r W^m Bartholmew, of Ipswich, Nic^o Noyce & Daniel Pearce, of Newbery, who are hereby empowred as commissio^{rs} to act in this case according to former orders of Court; & whatsoever they, or y^e majo^r p^rt of them, shall conclude in refference to the s^d bounds mentioned in this p^ret to stand firme & good, p^rvided that Cap^t Nic^o Shapleigh, of Charles Towne, be p^rcured by the p^rtyes to assist the commissio^{rs} in drawing out a plott & runing the line according to their direction, the charg of the commissio^{rs} to be borne equally by both townes, & the artist to be payd by Salisbury only, & that a true returne be made of what is done herein to the next session of this Court, to be ratified & confirmed.

Ferry farm^{rs}.

An answer to the p^ret of the farmers of Charltown ferry in se^ruall p^rticulars: 1. For sure payment the law hath already p^rvided in anno 48. 2. That in case of chang of money, o^r coyne, being not in smaller peeces then 6^d or 3^d, it shall not be lawfull for any passenger to refuse to receiue a penny or 2^d in good peage, to make their chang more easy & ready. 3. Respecting the passages of cunstable, in all cases they should pay for their owne passages; & for such as are or shalbe imployd in publick service by authoritic, they shall bring with them a certificate vnder the hands of them by whom they are imployd, which shalbe payd by the Treasurer of the country or countey, according to order exprest in the certificate, to which Treasurer it p^rpply belongs.

[*203.]

Jacksons
answ.

*In answer to the p^ret of Elizabeth Jackson, for the remittment of a fine for not p^rueing her husbands will, the Court judgeth meete to refer the

moderating of the fine the petio^r hath incurred to the next Countey Court at Ipswich, as they in their discretion shall judg meet ; & it is ordered that the party that ought to proue the will to appeare at the sd Court. 1657.

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In answer to the pe^t of John Trumble, of Rowley, for y^e remittment of a fine for not timely pueing of a will, the Court judgeth meet to referre the moderating of the fine to the next County Court at Ipswich, as they in their discretion shall judg meet. Trumbles answer.

In answer to the pe^t of Thomas Gayner for liberty to review his action, the Court, considering the order, in answer to his pe^t, at the Gen^l Court, in May, 51, whereby the petiti^o is enabled to review his action by vertue of his charter p^{te}, alth^o canceld, thinkes meet he be still referred thereto ; & as for his want of estate, he may take the benefitt of the law in that case p^{ro}vided. Gayners answer.

The cunstable of Waymouth & Brauntry being defectiue in making their returnes of the choyce of y^e deputies of the seuerall townes according to law, & being lyable to the p^{er}nalties of 20^s, vpon the constables of each towne, the Court, vpon their appearance, & a hearing of what they had to say, thought meet to abate the fine of the cunstable of Waymouth to fve shillings, to be equally borne between them, & that Brantree cunstable haue their fine abated to fve shillings, to be equally borne between them. Waymouthth cunstable.

This Court being informed that there is about 17^{li} witholden by Richard Woodey from this jurisdiction, by occasion of some transactions about the Indians, concerning which there hath passed some accounts wth the com^{is}sioⁿ of the colonyes, for the recouery whereof this Court hath empowred M^r Edward Rawson, se^r, to be attourney, in the behalfe of this jurisdiction, & to p^{ro}secut the suit to effect. Woodyes debt.

Whereas the lands & p^{ro}prieties of the honord Cap^t Wiggan hath not hitherto bin brought within the lymitts of any towne, nor bin lyable to pay taxes & assessments as others of o^r honord magis^{is} haue done, it is therefore ordered by this Court, that henceforth the now dwelling howse of the sd Cap^t Wiggan, together with the lands & p^{ro}prietyes thereto ap^{ro}p^{ro}teyning, shall belonge to the towne of Hampton, & by the select men of the sd town to be assessed in all rates according to law, any custome or vseag to the contrary notwithstanding ; & that for y^e tyme past he allow only the s^ume of 5^{li} to the publick treasury. Capt. Wiggan.

*Thomas West, about his burglary, which was not issued, & was left to moue the Gen^l Court what to doe in it, he standing bound ouer to Salem Court, this case is referred to Salem Court, who are hereby impowred to heare & determine the same. [*204.]

West, burglary.

In answer to the pe^t of Samuel Cole & James Johnson, administrato^{rs} to Coles ans^{er}.

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H. Chadburne
deputy ex-
cused.

the estate of Edmund Gross, liberty is graunted to the s^d administrators to make sale of two thirds of a certayne howse mentioned in the s^d pe^t, for the vse & behoof of the children of the s^d Gross.

Humphry Chadburne, deputy for the towne of Kettery, vpon his request to the Court, is dismiss from any further attendance on the Court.

M^r Treasurer, Cap^t Lusher, & M^r Ephraim Child were heretofore appoynted to inform themselves about the state of Cambridg, & whateuer else they shall judge meet for this Court to know in the case, & c; this order to be agayne in force, & so to contynue vntill the next session of this Court, to which the comission^{rs} aboue mentioned are to make their returne.

M^r Rawson,
land laid out,
200 acors.

We, whose names are vnder written, being appoynted by the Gen^l Court to lay out 200 acors of land for M^r Edward Rawson, haue done accordingly, as followes: on the east side of Kachecha Riuer we haue ordered one hundred acors, begining at a beech tree neere the riuer, marked E: R:, & from thence to run northward 80 rod, & from the marked tree eastward two hundred rod; & one hundred acors on the west side the riuer, a little below the Indian path, begining at a white pine, marked as affore^sd, & from thence to run southward, but could not further determine vntill Douer hath layd out their bounds. The fore^sd path lyeth about 3 miles aboue Peter Coffins howse. Dated 4 of May, 1657.

BRYANT PENDLETON,
PETER COFFIN.

This returne was approued of by the Court, & the s^d land confirmed to the s^d M^r Rawson & his heires foreuer.

Ann Bates
child taken to
Hingham.

In answer to the pe^t & complaynt & Ann Bate, in refference to the child of Goodmā Buck, deceased, its ordered, that the s^d child should be forthwith safely conuayed backe agayne to Hingham, at the charg of them that caused it to be brought from thence, & that the select men of Hingham take care to pvide for the child according to y^e order of the County Court formerly to them directed, which if the select men affore^sd, in the behalfe of the towne, further yet neglect, they may expect the displeasure of this Court.

[*205.]

M^{rs} Nowell,
land laid out.

*We, whose names are subscribed, according to an order & graunt made by the Gen^l Court, October 14th, 1656, haue layd out to M^{rs} Parnell Nowell, 1000 acors of land, lyng beyond Douer bounds on the northwest, & lyeth vpon Chochecho Riuer, on both sides thereof, begining on the northeast side of the s^d riuer, on the north side of a brooke that runneth into the s^d riuer, on the northwest side Shohomogomocke Hill, lately planted by Indyans, &

lying two miles in length vp streame vpon y^e the s^d riuer, & halfe a mile in bredth, also on the southwest side of the s^d riuer, begining at a pine tree marked, standing anent the affore^d Shohomogomocke Hill, & from thence running southwest $\frac{3}{4}$ of a mile, & in length vp streame one mile & a halfe, & at the vpper end of the s^d lyne lying in breadth from the riuer $\frac{1}{2}$ of a mile, being p^alell to y^e lower line; also layd out vnto M^r Samuel Nowel 1000 acors lying on the south & east side of the affore^d Shohomogomocke Hill, & is bounded with the wildernes land anent the great pine swamp on the northeast side thereof, & so contynued between that Chochecho Riuer towards Douer bounds, the which southeast lyne we could not clearly determine, be^c Douer bounds is as yet vnlayd out. Giuen vnder o^r hands the 28 Aprill, 1657, by vs, Th^o Danforth & Robert Hale, the retorne of which co^missiono^rs in reference to the lands aboue menti^od was accepted of by the Court.

These co^missiono^rs aboue mentioned were appoynted to lay out also three thowsand & two hundred acors of land graunted to M^r Thomas Dudley, Esq^r, & Increase Nowel, gen^t, deceased, as executo^rs of the last will of M^r Isaake Johnson, deceased, according to the graunt; p^ovided, that the ten pounds due to the country from the executo^rs of M^r Increase Nowell be first payd to the country Treasurer, or securitie giuen for the same.

We, whose names are herevnder written, being appoynted by y^e Gen^l Court, October, 1656, to lay out to M^r W^m Hubbard, of Ipswich, Sen^r, 1000 acors of land in any place or places beyond Exeter Riuer, E: or N: E:, haue accordingly layd out the s^d land as follows, viz^t: vpon the north side of Inochecha Riuer, about 8 or 9 miles from the mills, as we judge, the number of 890 acors in a pine swamp, begining at the westernmost end of the s^d swampe, at a great red oake, marked on 4 sides, & from thence 80 rod east & by south, to a great white pine tree vpon the westmost end of a great old Indian feild, & from thence along the same lyne, through the s^d feild 820 rod, to a great pine tree marked on 4 sides, & from thence vpon a northeast lyne 240 to a great pine tree vpon y^e topp of a hill, marked on 4 sides, & from thence west & by north 320 to a red oake marked on fower sides, & from thence 320 to the first marked red oake, & vpon the eastmost end of the affore^d diuision 200 rod square vpon each corner, bounded with a great pine tree marked on 4 sides, & the remaynder of the 1000 acors layd out in two small p^ocells of land on both sides the riuer; that on y^e north side contayning about 70 acors, bounded wth the riuer, & a great hemlock tree marked on fowre sides with a T & a W, & 3 pine trees & a little white oake, all the trees *marked on fower sides; that p^ocell of land on the south side about forty acors, bounded by the riuer & two pine trees, a hemlock & a beech, all the trees marked on fower

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Tho. Bradbury.

sides; these two later pcells lying about 3 or 4 miles from the mills vpon Inochecha Riuer, as we suppose, all the sd pcells containyng, as appears, 1000 acors. Aprill 28, 1657.

The Court allowed & approued off the 890 acors in a pine swamp, as aboue is exprest, layd out to Mr W^m Hubbard, & to his heires for euer; & for the 110 acors exprest in y^e returne, it was voted to belong to the secretary, Mr Edward Rawson, & therefore he is at his liberty to lay so much as compleats that graunt according to the sd graunt.

Acts to be read
three times,
once on each
day.

Whereas it is found by experience that the passinge & enacting of diuers graunts, orders, &c, & lawes, vpon the first pposall, hath occasioned many inconveniencies which might haue bin pvented by mature delebration, & that it is the laudable custome of the pliament in Eng^t to pass no bills which hath not bin thrice read & debated, it is therefore ordered & enacted by this Court, that no graunt of land, law, or order, except transient acts, shall henceforth be of force, but such as, after reading & mature consideration on three sefall dayes, shall be approued & consented to by the major pt of the Magistrates & Deputyes.

Courts answer
to Indians de-
sire of making
war on another
tribe.

The answer of the Gen^l Court of the Massacusetts to y^e motion or request of Wequagonoag, sachem of Naraganset, Wetowasnati Wiscoquonc, comissio^{rs} for Massepetoat, Pecomptick, sachem, Wampequamenet, sachem, Warquacunc, for liberty or consent to make warr vpon Vncas, sachem of the Mohegins.

We acknowledge the friendship of the Narragansitt, Pocunpticks, & Mowwakes in many of the pticulars mentioned, which we haue euer answered wth like loue & friendship, & haue neuer done them, or any of their people, any wrong or injury since o^r coming hither, & desire that loue & peace may be contynued between vs & the succeeding generations.

2. We like well their psent address to the English before there be any further engagment with Vncas, & should haue taken it more acceptable if they had done so formerly.

3. Concerning the difference between Vncas & the Pocamtuck Indians, as we doe not fully vnderstand the ground of it, not hauing heard both ptyes togeather, so vpon what we haue heard we are apt to think Vncas may be in fault, which if it appeare it be so, vpon due hearing, the English will not excuse or countenance him therein; but seing the Pacamtuck Indians haue had so great a victory o^u him, & kild so many of his men, we thinke they may well rest satisfied, & doe desire there may be no further pceeding in way of hostilitie till the comissio^{rs} of the sefall colonyes haue heard & judged of

the case, who are to meet at Boston 4 moths hence, & are deputed by all the English to heare & end all differences amongst the Indians that are in friendship with vs, which if you will promise to doe, *we will forthwith require Vncas to forbear any assaults agaynst yo^rselues or ffrriends, & doe expect he will doe accordingly.

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4. As for the motion of the Narragansitts, for libertye to ayd y^e Pocompucke or Mowake Indians agaynst Vncas, we cannot by any meanes assent vnto, much less vpon any such old & offensive ground as was mentioned, & which the dead sachem of the Narragansitt, at the last meeting of the commissioⁿ at Plymouth, did openly p^ress, before many sachems & others, to throw away & for euer to forgett; & for any late & new injuryes or affronts that Vncas may haue done or offred, the commissioⁿ at their next meeting wilbe ready to heare, & cause due satisfaction, if the case require it, to be giuen.

We take notice, that you are mindfull of the couenant made with the commissioⁿ, at Boston, in the year 45, which is 12 yeares agoe, not to warr with any Indians that are in friendship with the English, without the consent of the commissioⁿ, & therefore like well there coming now for advice in so great a case, that may so deeply concerne both them & vs; yet we cannot consent to the motion, but doe require you, according to yo^r couenant, & as you desire the contynuance of o^r friendship, to forbear any hostill attempt agaynst Vncas, or any other Indians in ffriership with vs, till you haue libertie from the commissioⁿ of the colonyes so to doe, to whose next meeting we further referr you for finall resolution in all cases of differences, & him or any others.

We, whose names are herevnto subscribed, being appoynted by the Gen^l Courts of the Massachusetts & Newplymouth to settle a diffrence between the townes of Hingham & Scituate, referring to 60 acors of saltmarsh graunted to the Massachusetts, lying on the east side of the Riuer Conehassett, & in obedience to the sd order mett accordingly vpon the place, & vpon a survey of the sd land could not find any bound markes appearing, according as it was set out by Hingham men, but vnderstood that Hingham men had run the lyne a little higher vpon the riuer then Scituate men had done, & thereby had taken 6 or 7 acors of land vpon the riuer, which Scituate men had layd out neere the sea, which we conceiue was not so agreeable to the commissioⁿ order as the first lyne, & doe therefor conclude & agree, as a full issue of the case, that the sd lyne, as it now stands marked & bounded by Scituate men, shall stand

Hingham &
Scituate salt
marsh.

1657. firme & good, & the other lyne, run by Hingham men, to be voyd & of none effect. Subscribed by

6 May.

W^m TORREY &
JOSIAS WINSLOW.

Cap^t Brackett, being not so cleare in this determination, was not willing to subscribe.

The Court doth approue of the retorne of the comissioners in reference to the land aboue mentioned.

[*208.] *In answer to the pe^t of M^r John Alcocke, the Court doth confirme & allow of 842 acors of land, which, according to former graunt, he hath caused to be layd out between the two Indian townes of Natick & Wippsupperage, bounded according to a draught presented, together with his pe^t; & also doe further graunt vnto y^e petitio^r one hundred & odde acors more, to be añexed to his former graunt, according to his desire in his pe^t, p^rvided it hinder no former graunt.

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